



Chapter 15 – Zoning Ordinance

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Chapter One - Intent and Purpose

The purpose of this Zoning Ordinance is consistent with the overall Community goals as stated in the Village of Spring Grove's Comprehensive Land Use Plan. This Zoning Ordinance seeks:

- A. To further implement the objectives and goals of the adopted Comprehensive Plan for the Village of Spring Grove;
- B. To zone all land in the Village with a view to conserving property values and encouraging the most appropriate use of land throughout the Village;
- C. To protect all areas of the Village from harmful encroachment by incapable uses;
- D. To establish adequate standards for the provision of light, air, and open spaces;
- E. To prevent the overcrowding of land and undue concentration of population, thereby preventing the development of blight and deterioration;
- F. To lessen congestion in the public streets;
- G. To provide for adequate drainage, control of erosion, reduction of flood damage, and destruction of sensitive and valuable environmental resources;
- H. To foster a desirable pattern of relationships among mutual benefit of all types of development;
- I. To isolate and control the location of unavoidable nuisance-producing uses.

To accomplish the above objectives, the Ordinance further seeks:

- A. To fix reasonable standards to which buildings, structures, and other uses of land shall conform;
- B. To prevent new construction or alteration or expansion of existing construction that does not comply with the restrictions herein;
- C. To provide for the elimination in appropriate situations of existing uses that are incompatible with the character of the districts in which they are located;
- D. To define the powers and duties of the officers and bodies charged with the enforcement of this Ordinance;
- E. To prescribe penalties for any violation of the provisions herein.

This Ordinance is adopted pursuant to *Chapter 24, 11-13-1* of the *Illinois Revised Statutes*.

Chapter Two - Scope

Upon the passage of this Zoning Ordinance, a permit shall be obtained from the Village of Spring Grove before there can be any change in the use of the land, grade of the land, building of a structure, enlargement or alteration of an existing structure as required by this Ordinance.

No building, structure, land, or premises shall hereafter be constructed, altered, converted, enlarged, moved, used, or occupied except in conformity with the provisions herein.

Upon adoption of this Ordinance, the Ordinance known as the Zoning Ordinance of the Village of Spring Grove, adopted as *Chapter 15* of the *Municipal Code* of the Village of Spring Grove on (insert date approved by Village Board), is hereby repealed. No other ordinance, regulation, annexation agreement, or private agreement, covenant or easement is intended to be repealed or abrogated by this Ordinance.

Chapter Three - Definitions

Some of the language used in this Zoning Ordinance is not in common usage or could be misconstrued. The following definitions are offered to be used in the context of this Ordinance.

Abandonment. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting. Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

Accessory Structure or Use. The use of land, buildings, and other structures which:

- A. is located or conducted on the same zoning lot as the principal building, use or structure, except as may be specifically provided elsewhere in this Ordinance;
- B. is customarily incidental to subordinate in purpose to, and serves the principal use;
- C. is either in the same ownership as the principle use or is clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants of the principle use.

Administrative. An individual, partnership, corporation or other entity which manages, directs or supervises the execution, application or conduct of persons or things.

Affected Land (By Surface Mining). The area of land from which overburden is removed for surface mining or upon which overburden is deposited; that area used for a processing plant, stockpile area and that area of land utilized for drainage, ditches, haulage, roads, and settling pond impoundments which are constructed, created, extended, enlarged or expanded.

Agricultural Use. Land serves an agricultural use when plants are produced by tilling the soil or through floriculture, horticulture, mushroom growing, nurseries, orchards, or forestry; or when animal feeding of livestock, including poultry, swine, sheep, cattle, horses or other equines, fur-bearing animals, caprines, fish and wildlife or when agricultural experimental activities are being conducted or when land lies fallow and these activities compose the principal use of land.

Agritourism. Agritourism allows certain commercial operations relative to farming or traditional agricultural uses which may be developed to attract tourists and visitors to a particular parcel of property. Such operations include, but are not limited to, corn mazes, fall pumpkin sales and festivals, storytelling festivals, haunted houses, butterfly houses, hayrides, Christmas tree sales and festivals, sales of farm grown or produced products, farming or agricultural demonstration activities and the like. As part of the aforementioned Agritourism activities on a parcel of property, it is expected that there would be certain sales of goods and merchandise which are not produced as part of or incidental to agricultural or Agritourism operations including, but not limited to, souvenirs, t-shirts and items of clothing, food sales or products, and the like. For a particular enterprise being conducted on property zoned for Agritourism uses, the income earned from goods and merchandise which is not incidental to the Agritourism use on a particular property shall not exceed 30% of the gross income attributable to the particular element of the Agritourism business.

For any festival which is not incidental to an Agritourism use provided herein, such as a music festival, play exhibition, performance, competition, musical, sporting event, concert show or the like which occurs on a property (e.g., Country Thunder, radio promotional event, or county fair type events), the property owner shall be required to obtain a temporary use permit from the Village and pay all fees and shall comply with all Village codes, regulations and conditions and pay all fees required for additional police and other public safety agencies.

Amusement Park. An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including but not limited to, rides, booths for the conducting of games or sale items, and buildings for show and entertainment.

Animals, Farm. The species of fowl, ovine, caprine, bovine, porcine and equine, that have been domesticated for agricultural uses.

Arena, Enclosed. A building or structure housing a platform, ring, area, or the like for sports.

Athletic Field. An open area of land wherein facilities are provided for athletic sports or activities.

Auditorium. A building or structure used for public gatherings or meetings.

Automobile, Service Station. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; including the sale and installation of lubricants, tires, batteries and similar accessories.

Bed and Breakfast Inn. A house, or portion thereof, where short term lodging rooms and meals are provided for no more than 3 guest rooms. The operator of the inn shall live on the premises.

Boarding House. An establishment with lodging for 5 or more persons where the meals are regularly prepared and served for compensation.

Borrow Pit. Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

Buildings. A permanent structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, which is permanently affixed to the land.

Campgrounds. A plot of ground upon which 2 or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education and vacation purposes.

Cemetery. Land used for the burial of dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Child Care

Home Daycare. A licensed owner occupied residence, where care, protection and supervision are provided for less than twenty-four hours a day for more than 3 children, but not to exceed 12 children, per the State of Illinois Department of Children & Family Services (DCFS) Guidelines. The number of children includes the family's natural or adopted children and all other persons under the age of 12. The term does not include facilities, which receive only children from a single household.

Group Daycare Home. A licensed owner occupied residence, where care, protection and supervision are provided for less than twenty-four hours a day for more than 3 children, but not to exceed 16 children, per the State of Illinois Department of Children & Family Services (DCFS) Guidelines. The total number of children counted shall include the family's natural or adopted children and all other persons under the age of 12.

Commercial Daycare Facility. A licensed child care facility which regularly provides daycare for less than 24 hours per day for more than 3 children in a facility other than a family home, including senior citizen buildings, per the State of Illinois Department of Children & Family Services (DCFS) Guidelines

Child Care Facility (3 or less children). The provision of supplemental parental care and supervision for 3 or less non-related children, on a regular basis.

Church. A building and/or structure wherein persons regularly assemble for religious worship, which is, used only for such purposes and activities that are customarily associated therewith. Accessory uses may include: rectory, parsonage, or Sunday school.

Clinic, Medical. A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical, surgical, psychological or dental attention, but who are not provided with board or room or kept overnight on the premises.

Club or Lodge, Private (Non-Profit). A non-profit association, which owns, hires, or leases a building or portion thereof; the use of such premises being restricted to members and their guests.

Coin Operated Amusement Device. Any machine which upon monetary exchange between patron and owner and/or his employee or upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for the use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, electronic games, operations or transactions similar thereto under whatever name games may be known.

Commercial Nursery Center. Any building, structure or land used to grow or stock trees, shrubs, flowers and/or other plants, as well as accessory items directly related to the maintenance and care of plant life, and materials used for landscaping generally, where all or part of which are sold at retail or wholesale.

Community Center. A building used for recreational, social, educational and cultural activities, usually owned and operated by a public non-profit group or agency.

Comprehensive Land Use Plan. The official document that complies with State Statutes, adopted by the Village and officially recorded, which set forth its general policies regarding the long term physical development of the Village of Spring Grove.

Convenience Store. Any retail establishment offering for sale food products, household items, and other goods commonly associated with the same and usually having a gross floor area of less than 7,000 square feet.

Density. The number of residential units per acre.

Dog Day Care. Any building or structure used or intended to be used as a facility where care and supervision of more than 2 dogs not owned by the owner, tenant or occupant is provided during the hours of 6:00 a.m. to 8:00 p.m. during any 1 day. Overnight boarding is prohibited at Dog Day Care facilities.

Equestrian Accessory Building. An accessory structure or use with the principle and primary use for boarding of horses and related equine purposes.

Family. One or more persons related by blood, marriage, legal adoption or guardianship (as husband-wife, parent-child, grandparent-grandchild, or brother-sister) or not more than 3 persons not so related, together with gratuitous guests and domestic servants, occupying a dwelling unit as an individual housekeeping organization.

Flood Elevation, Base. The regulatory elevations established by the methods adopted by this Ordinance and which establish the limit of intrusion or retirement of a "100 year flood event".

Flood Fringe. That part of a floodplain that lies beyond the delineated borders of a regulatory floodway.

Flood, 100 Year Event. A storm of intensity that recurs, on the average, once every 100 years, or that has a 1% chance of occurring in any given year, measured during a 24-hour period.

Floodplain. The continuous area contiguous to a lake, watercourse, stream or stream bed, depressional pocket or area, the elevation of which is greater than the normal water level or pool elevation, but equal to or lower than the base flood elevation.

Floodway. The channel of a stream, plus any adjacent floodplain areas that must be kept free of encroachment in order that the 100 year flood be carried without substantial increases in flood height, as defined on the *Federal Emergency Management Agency maps*.

Frontage. All of the property fronting on one side of the street between the 2 nearest intersecting streets, measured along the line of the street or, if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Funeral Home. A building used for the preparation of the deceased for burial and the display of deceased and ceremonies connected therewith before burial or cremation.

Game. See "Coin Operated Amusement Devise".

Game Room. Any building, structure where coin-operated amusement devices, as that term is defined in the Spring Grove Zoning Code, are located.

Garage, Private. An accessory building or an accessory portion of the principle building, which is intended for and used for storing privately owned motor vehicles, boats and trailers of the family or residents on the premises, and in which no business, service or industry is carried on.

Garage, Public. A building designed or used for the housing of vehicles (usually motor) also, a building in which vehicles are on display, are for sale, or are housed for repair or storage purposes.

Garage Storage. A building designed or used exclusively for the storage of motor vehicles (i.e. car, truck, boat, trailers and/or buses), and in which motor fuels and oils are not sold and motor vehicles are not equipped, repaired, hired or sold.

Golf Course. A tract of land for playing golf, improved with tees, greens, fairways, water hazards and which may include buildings and shelters.

Greenhouse. A building, or structure used for the growing of plants, trees, flowers and similar organic material, all or part of which are sold at retail or wholesale.

Group Home for the Handicapped. A dwelling shared by 4 or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

Health Department. McHenry County Department of Health.

Height, Accessory Structure. The vertical distance from the average ground elevation to the highest point.

Height, Building. The vertical distance from the average ground elevation as measured from the middle of the front of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level which is located midway between the eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, spires, elevator penthouses, cooling towers and similar projects are not included in calculating building heights.

Heliport. An area, either at ground level or elevated on a structure licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Home Occupation. Any activity carried out by a resident conducted as an accessory use in the resident's dwelling.

Horse Farm. A building or structure and/or land whose operator keeps equines primarily for breeding and boarding and which operation may or may not be incidental to the owner's primary occupation.

Hospital. A building where provisions for primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. For purposes of this Ordinance, the word "hospital" shall also include, but not be limited to, sanitariums and other medical facility where intensive medical treatment and overnight care is provided.

Hotel or Motel, Lodges or Resorts. A building or structure designed for transient occupancy, consisting of rooms or suites providing living, sleeping and toilet facilities. Additional services such as restaurants, meeting rooms and recreational facilities may be provided.

Kennel. Any building or structure used or intended to be used for grooming, breeding, boarding, training, or selling of household pets as a business.

Laboratory. A building or group of buildings wherein scientific research, investigation, testing, experimentation or housing of laboratory animals occurs; but not facilities for the manufacture or sale of products other than reports. It may include temporary pilot plant installations which are incidental to the main purpose of the facility.

Landfill. The disposal of solid or other wastes in a manner that may minimize environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste.

Laundromat. An establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Long Term Care Facility. A facility which provides limited medical or nursing care on the premises, to 3 or more persons unrelated to the operator of the facility, by blood or marriage, who are affected with disease, problems of aging, mental or emotional handicaps or are chronically ill; infirm or suffering from other bodily disorders. Maintenance and personal care may also be given at a long-term care facility. Sheltered care, intermediate care and skilled nursing care facilities are considered "long term care facilities".

Lot. A parcel of land that is part of a subdivision, the plat of which was recorded in the Office of the County Recorder of Deeds, or a parcel of land described by meets and bounds or by division making reference to the original government survey, occupied or to be occupied by one and only one principle building and one and only one permitted accessory building.

Lot, Corner. A lot contiguous to 2 streets at their juncture, when the interior angle formed is less than 135 degrees.

Lot, Interior. A lot other than a corner lot.

Lot Area. The area of a horizontal plane bounded by the front, side and rear boundary lines of a lot.

Lot, Buildable Area of. That portion of a lot or parcel bounded by building setback lines.

Lot, Coverage. The amount of surface area of a particular lot that is covered or may be covered, by a building or structure, expressed as a percentage.

Lot, Frontage. The length of any one property line of a premises which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot, Width. The horizontal distance between the side lot lines, or a side lot line and a street right-of-way on a corner lot, as measured along the yard abutting a street setback line.

Lot, Reversed Corner. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Manufacturer's Agent Office. A building or structure where the management or transaction of business (location where orders are taken, contracts are signed, and/or where sales personnel have their offices) for a manufacturer are located.

Minimum Floor Elevation. The lowest elevation permissible for the construction, erection or other placement of any floor including a basement floor.

Mobile Home. A detached single-family dwelling unit designed and used exclusively for residential occupancy with plumbing and electrical connections for attachment to outside systems but designed to be transported after fabrication on its own wheels or on a flat-bed trailer and to be ready for occupancy at its site except for minor and incidental unpacking, assembly, and connection operations.

Mobile Home Park (Trailer Park). An area of land upon which 2 or more permanent or transient mobile homes are harbored, either free of charge or for revenue purposes, including any building, structure, tent, vehicle or enclosure used or intended to be used as part of the equipment or facilities of such mobile home park.

Museum. A building used for the preservation and exhibition of artistic, historical or scientific objects.

Net Density. The number of residential units per total acreage. Total acreage does not include streets, and unbuildable acreage such as flood plains, wetlands or retention areas.

Nonconforming Lot. A lot of record or recorded deed, the area, dimensions or location of which was lawful prior to the effective date of this Ordinance, or subsequent amendment thereto, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Nonconforming Structure or Building. A structure or building the size, dimensions or location of which was lawful prior to the effective date of this Ordinance, or subsequent amendment thereto, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Nonconforming Use. A specific use or activity, which was lawful prior to the effective date of this Ordinance, or subsequent amendment thereto, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Obedience School:

Commercial Kennel. Any building or structure used or intended to be used for the housing of dogs or domesticated animals. Commercial activities may include, but need not be limited to public boarding, training, wholesaling of dogs or domesticated animals and sale of items or products related to dog or domestic animal care.

Private Kennel. An accessory building or structure used or intended to be used for the housing of dogs or domesticated animals kept for the purpose of raising, breeding, training, exhibiting and sale. All dogs must be owned or co-owned or under contract to the owner or lessor of the site.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, designated or reserved for public or private use and enjoyment. Such space must be free of automobile traffic, parking and undue hazard and be readily accessible by all those for whom it is intended to be used or may be restricted by limited access for use as a natural preservation area.

Operator (Surface Mining). All of the earth and other material which lie above natural deposits of coal, clay, stone, gravel or other minerals and also such earth and other material disturbed from their natural state in the process of surface mining.

Parcel. A parcel of land that is part of subdivision, the plat of which was recorded in the Office of the County Recorder of Deeds, or a parcel of land described by meets and bounds or by division making reference to the original government survey occupied or to be occupied by one and only one principle building and one and only one permitted accessory building.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, legal entity, or their legal representative(s), agent(s), or assign(s).

Pet Grooming. An establishment where domestic dogs and cats may have their bodies washed, their fur trimmed and brushed, nails clipped and the like. Services at a pet grooming establishment shall not include overnight boarding or care rendered by a veterinarian. (*Revised Ord. 2006-09*)

Planning and Zoning Commission. The Village of Spring Grove Planning and Zoning Commission (PZC).

Principle Use. The primary purpose for which a land area, building or structure is used.

Principle Building or Structure. The primary building or structure upon a lot or parcel, or the building or structure which houses the principle use of the premises.

Public Utility. A closely regulated private enterprise with an exclusive franchise for providing a public service.

Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters in conjunction with camping, recreation, or travel use which either has its own motive power or is mounted on or drawn by another vehicle, including travel trailers, camping trailers, truck campers, boats on or off trailer, motor homes, or any other vehicle with state RV, RT, TB, or TA license plates.

Recycling Center or Plant. A facility that is not a junkyard in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed, and heated to return such products to a condition in which they may again be used for production.

Recycling Collection Point. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

Residential Dwelling. A building designed for residential occupancy as its principle use exclusive of mobile homes, recreational vehicles, hotels or motels.

Residential Multi-Family Dwelling. A building containing 2 or more dwelling units used for residential occupancy including apartment houses, rooming houses, boarding houses, fraternities, sororities, dormitories and similar housing types, but not including hotels, motels, hospitals, long term care facilities or semi-independent group residences.

Residential Single Family. A dwelling which is a detached building containing only 1 dwelling unit.

Resort. The definition of hotel or motel, lodges or resorts can be found on page 11 of the Village's Zoning Code.

Restaurant. A building or structure where food and drink is prepared and served.

Restaurant-Banquet-Recreation/Conference Facility. A facility with the capability of accommodating groups for banquets, limited recreation, conferences, meetings, receptions and the like. (*Revised Ord. 2007-27*)

Retirement Community. A planned development designed to meet the needs of, and exclusively for, the residences of senior citizens.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other Special Use.

Satellite Dish Antenna. A device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be a solid, open mesh or bar-configured structure in the shape of a shallow dish or parabola.

Screening. A method of visually shielding or obscuring structures or uses from nearby properties with fences, walls, berms or densely planted vegetation.

Self Service Storage Facility. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers goods or wares.

Semi-Independent Group Residence. A facility which provides resident services to 7 or more individuals of whom 1 or more are unrelated. These individuals are handicapped, aged, disabled or undergoing adjustment or in need of adult supervision in accordance with their individual needs. This category includes facilities licensed or supervised by Federal, State, or County health/welfare agencies such as group homes and halfway houses for all ages. However, a residential alternative for developmentally disabled shall not be considered a group dwelling.

Shopping Center. A commercial development which is designed, developed, operated and controlled as a unit with off-street parking placed on the site to serve jointly all establishments in the center.

Sign. Any surface, fabric, or device bearing lettered, pictorial, or sculptured material designed to convey information visually and exposed to public view; or a structure (including billboard or poster panel) designed to carry the above type of visual information.

Special Promotions. An act, which gives conspicuous notice or information to the public concerning the sale of goods, entertainment or upcoming events.

Special Use. A use that, owing to some special characteristics is permitted in a district subject to special requirements.

Spoil. Waste material which is exposed and removed in excavating.

Spot Zoning. Any attempt to wrest a single piece or parcel of land out of its environs and assign to it a zone classification that is out of harmony with the surrounding area or for the benefit of a single property owner.

Stable, Private (Non-Professional). An accessory structure and/or land use which is designed, arranged, used or intended to be used for the keeping of equines for the private use of the occupants of the dwelling and their guests, but in no event are for hire and from which no income is derived.

Stacking Requirements. The number of cars that must be accommodated in a reservoir space while

awaiting ingress or egress to specified businesses, service establishments, or parking lots.

Story. The part of the building between the wearing surface of a floor and the ceiling immediately above.

Story, Half. A basement or portion thereof, of which the finished floor is not more than 4 feet below the adjoining outside finished grade at required windows.

Street. A vehicular way which:

- A. is an existing State, County, Township or Village roadway, or
- B. is shown upon a plat approved pursuant to law.

Structural Alteration. Any change in the supporting members of a building, such as foundation wall, bearing walls or partitions, columns, beams or girders or any substantial change in the roof or in the exterior walls, excepting such repairs as may be required for the safety, maintenance and upkeep of the building or structure.

Structure. Anything constructed, erected or placed, which requires location in or on the ground, or in or on a body of water, or is attached to something having a location on the ground, including earthen works.

Subdivision. The division of any tract or parcel of land into 2 or more lots, plots, or other divisions of land for the purpose, whether immediate or future, of building for rental or sale, and including all changes in street or lot lines.

Surface Mining. The mining of any minerals by removing the overburden lying above natural deposits thereof, and mining directly from the natural deposits thereby exposes or the deposition of overburden therefrom.

Tavern Night Club. A building or structure which has a bar and which serves, as its primary business, liquor, beer and wine, to its customers for consumption on the premises. A tavern or night club may also include a limited food menu for its customers and may sell packaged alcoholic beverages for consumption off premises.

Teen Club: A club designed primarily for individuals under 21 years of age to gather for entertainment and socializing and where food and non-alcoholic beverages may be served on premises.

Temporary Use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theater. A building or part of a building devoted to showing motion pictures.

Theater, Drive-In. An open area of land with its appurtenant facilities devoted to showing motion

pictures.

Transitional Yard. The process or an instance of changing from one form, state, activity or place to another.

U.S. Post Office. A Department of the United States Government charged with the responsibility of receiving and delivering mail.

Use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Variation. Dispensation of the dimensional regulations of the Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this code would result in unnecessary and due hardship. A divergence from the Zoning Ordinance bulk, loading and parking requirements.

Veterinary Clinic. A facility dealing with the prevention and treatment of diseases and injuries in animals, especially domestic animals.

Village. The Village of Spring Grove, Illinois.

Wall. The vertical exterior surface of a building or the vertical interior surfaces which divide a building's space into rooms.

Warehouse. A building used primarily for the storage of goods and materials.

Watercourse. Any natural or artificial watercourse, stream, river, draw, creek, ditch, channel, canal, conduit, culvert, drain, waterway, swale, gully, ravine, or wash in which water flows in a definite direction of course, either continuously or intermittently, and which has a definite channel, bed and banks and shall include any area adjacent thereto, subject to inundation by reasons of overflow or floodwaters.

Yard. An open space, on the same zoning lot with a principle building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Ordinance, and which extends along a lot or parcel line and at right angles thereto to a depth or width specified in the bulk regulations for the zoning district in which the zoning lot is located.

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's side(s) rests directly on the lot line.

Zoning District. An area or areas within the Village of Spring Grove for which the regulations and

requirements governing use, lot size, building bulk, setbacks and other conditions of use are uniform.

Zoning Enforcement Officer. The Spring Grove Zoning Enforcement Officer is the Building Inspector.

Zoning Lot. Parcel or lot or combination thereof or fractions thereof considered or treated as a single unit that meets the requirements of the zoning district in which it is located and the other requirements of this Ordinance.

Zoning Map. The map or maps incorporated into this Ordinance and made a part thereof which designated various zoning districts.

Chapter Four - Zoning Classifications

Section 401 - Official Zoning Map

For the purpose of this Ordinance, all land and water areas within the Village of Spring Grove are classified and divided into zoning districts. The boundary of each said district is shown on the Zoning Map. The Official Zoning Map of the Village of Spring Grove is filed in the office of the Village Clerk.

Section 402 - Zoning Map Boundaries

The following rules shall be used to determine the precise location of any Zoning District Boundary shown on the Official Zoning Map.

- A. Where district boundary lines follow streets, alleys, or similar rights-of-way they shall be construed as following the center line;
- B. Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries;
- C. Where district boundary lines shown as approximately following section lines, half section lines, or quarter section lines, they shall be construed as following such lines;
- D. Where district boundary lines shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses, they shall be construed as following the channel center line of such watercourses taken at mean low water line. In the event of a natural change in the location of such streams, rivers, or other watercourses, the district boundary shall be construed as moving with the channel center line.

Section 403 - Zoning Districts

The Village of Spring Grove consists of the 12 zoning districts discussed on the following pages:

403.1 Agricultural Zoning District. The Zoning Ordinance has provided an Agricultural Zoning District which is intended to benefit and protect agricultural uses throughout the Village. The 1 district is:

A-1 – Agricultural

The “A-1” Agricultural Zoning District is designed principally to maintain an environment where agricultural purposes may be served and restrict those which would conflict with these properties. Forty (40) acres is the minimum parcel size in this Zoning District for a single family residence.

403.1.A **Agritourism Overlay District** requires a minimum parcel size of 100 acres. This district is intended to provide an opportunity for the Village and property owners to provide for the long range agritourism use of a parcel. Development shall be consistent with the provisions of Chapter 9B of the Zoning Ordinance.

403.2 Residential Zoning Districts. There are 5 residential zoning districts. The 5 districts are:

- E-5 - Estate Residential
- E-2 - Estate Residential
- E-1 - Estate Residential
- R-1 - Single Family Residential
- R-2 - Single Family Residential

They share the following residential growth goals of the Comprehensive Land Use Plan:

- A. Provide safe and attractive residential housing for the Village;
- B. Protect the quality and value of existing residential areas from incompatible land use;
- C. Provide new housing in areas adequately accessible to community services and consistent with surrounding land uses.

The "E-5" **Estate Residential Zoning District** requires a minimum lot size of 5 acres. This district allows for the largest homes and out building in the Village. Intended for the perimeter, it provides the best potential for equestrian estates and equestrian estate neighborhoods. No farm animals, except equine as permitted by Special Use, are allowed in this Zoning District.

The "E-2" **Estate Residential Zoning District** requires a minimum lot size of 2 acres. This district is commonly located among other residential districts and Agricultural properties, particularly in areas along the perimeters of Spring Grove's planning area. No farm animals, except equine as permitted by Special Use, are allowed in this Zoning District.

The "E-1" **Estate Residential Zoning District** requires a minimum lot size of 1 acre. This district is intended for new single family uses on estate size lots. This lot size is a logical extension of many of the existing residential areas currently located in Spring Grove. No farm animals are allowed in this Zoning District.

The "R-1" **Single Family Residential Zoning District** requires a minimum lot size of 40,000 square feet. This district is intended to designate existing large lot single family uses. No farm animals are allowed in this Zoning District.

The "R-2" **Single Family Residential Zoning District** requires a minimum of 30,000 square feet. This district is intended to designate existing single family uses on medium-sized single family lots. No farm animals are allowed in this Zoning District.

403.3 Business Zoning Districts. There are 2 Business zoning districts. The two districts are:

- B-1 - Central Business
- B-2 - General Business

These Business zoning districts share the following business goals of the Comprehensive Land Use Plan:

- A. Protect the viability of existing business;
- B. Provide areas for new business which have good road access and visibility;
- C. Provide areas for downtown business uses which are compatible with surrounding areas and are logical extensions of existing businesses;
- D. Encourage aesthetically pleasing architecture and landscaping features which improve the visual character of the site;
- E. Cluster and coordinate unified shopping areas to avoid a row of isolated individual uses.

The "B-1" Central Business District is intended to locate select retail businesses and services near the center of the Village. Particular attention shall be paid to the aesthetics, public facilities and traffic circulation.

The "B-2" General Business District is intended to provide businesses and services that satisfy neighborhood shopping needs as well as regional needs. This district shall take into consideration good traffic circulation and parking. Particular attention shall be paid to the appearance of this highly visible zoning district.

403.4 "O-R" - Office/Research. The "O-R" Office/Research district is intended to provide a location for professional, executive, research, administrative, and other non-manufacturing activities. The "O-R" district shall function in clean, quiet, landscaped surroundings, free from noise, odor, traffic, merchandising and other factors normally present in retail business or manufacturing districts.

403.5 "I" – Industrial. This zoning district provides for manufacturing, assembling, fabricating, packaging, processing and production, and specialized operations that do not have a negative impact on surrounding properties and zoning districts. The following uses are hereby expressly prohibited: (1) the processing of hazardous products including asbestos and fertilizer; (2) lumber mill, sawmills and planing and paper mills; (3) manufacturing, processing and bulk storage (for future sales or distribution) of noxious, toxic, corrosive and explosive solid liquid or gaseous chemicals, including fireworks manufacture; (4) manufacturing and processing of coal, petroleum, tar and asphalt products, including coke, illuminating gas, linoleum, oilcloth, roofing materials and asphalt tile; (5) processing of animal and vegetable products such as tanneries, slaughterhouses, rendering plants, glue, soap, paint and varnish manufacture, wool and textile scouring, sizing bleaching and dyeing; and (6) recycling center/plant. Industrial parks are encouraged where their external impacts are minimized by the use of large setback distances, buffering and screening.

403.6 “OPDD” - Overlay Planned Development District. This zoning district requires a minimum parcel size of 300 acres. This district is intended to provide an opportunity for the Village and a property owner to provide for the long range mixed use development of a parcel upon which earth materials extraction or mineral processing has occurred or is occurring. Development under this zoning district shall be consistent with the provisions of Chapter 9.A of the Zoning Ordinance.

Chapter Five - Table 1 - Uses Permitted In Zoning Districts

Table 1 lists specific land uses permitted in the Zoning Districts established by this Ordinance. The symbols in the following key indicate the permitted degree of use:

- X - Use permitted by right
- S - Use permitted on a conditional basis subsequent to hearing process and conditions.
- T - Use allowed by permit granted on a specified time period.
- “ - ” - if there is a blank, then the use proposed is strictly prohibited. It is never allowed as a matter of right, nor is it allowed on a conditional basis by special use permit or any other permit.

ANY USE NOT LISTED IN TABLE 1 IS NOT PERMITTED IN SPRING GROVE. The Zoning Enforcement Officer shall have the right to allow any other uses which are similar and compatible with the other uses allowed in a particular zoning district. The use shall be consistent with the statement of intent of the zoning district as discussed in *Chapter Four*. Such determination shall be in writing and a denial shall be appealable to the Planning & Zoning Commission.

Table 1 - Uses Permitted In Zoning Districts

	A-1	E-5	E-2	E-1	R-1	R-2	B-1	B-2	O-R	I
Accountant							X	X	X	X
Administrative							X	X	X	X
Advertising Agency							X	X	X	X
Amusement Park	T							T	T	T
Antique Sales							X	X		S
Appliance: -Sales -Service							X X	X X		X
Army & Navy Surplus Store								S		
Archery Range -Indoor								S		S
Arena (Enclosed)								S	S	S
Art Gallery: -Sales & Studio							X	X		
Athletic Field		S	S	S	S	S		S		
Auction House								S		S
Auditorium								S	S	S
Automobile: -Car Wash -Parts & Supplies -Rental & Sales -Repair Station -Service Station								S X S S S		S X S S S
Bait Shop								X		
Bakery							X	X		
Barber/Beauty Shop							X	X		
Bed & Breakfast Inn	S	S	S	S	S	S				
Beverages: -Wholesale & Storage								S		X
Bicycle Shop							X	X		
Blueprint: Photostat & Copy Shop							X	X	X	X
Bookstore							X	X		
Bowling Alley							S	S		
Broadcasting: Station & Studio							S	S	S	S
Building Materials (Sales)							X	X		X

	A-1	E-5	E-2	E-1	R-1	R-2	B-1	B-2	O-R	I
Bus Terminal								S		S
Business Machine: -Sales -Service							X X	X X	X	X
Camera Shop							X	X		
Campground	S	S								
Catalog Sales Office							X	X	X	X
Caterer								X	X	X
Cemetery	S	S	S	S	S	S				
Child Care -Home Daycare -Group Daycare Home -Commercial Daycare Facility -Child Care Facility (3 or Less Children)	S S X	S S X	S S X	S S X	S S X	S S X	S	S	S	
Christmas Tree Sales	T	T					T	T	T	T
Church or Place of Worship	S	S	S	S	S	S	S	S	S	S
Circus, Carnival or Fairgrounds	T							T	T	T
Cleaners (Clothing)							X	X		
Clinic: -Medical -Chiropractic -Dental, Eye Care -Optician							X X X	X X X	X X X	
Clothing Sales							X	X		
Club or Private (non-profit)							S	S		
Community Center							S	S		
Contractor's Office & Equipment Shed	T	T	T	T	T	T	T	T	T	T
Craft Shop							X	X		
Dancing School							X	X		S
Detective Agency							X	X	X	X
Dog Day Care Facility										S
Drug Store							X	X	X	
Earth Materials: -Extraction & Processing	S									

	A-1	E-5	E-2	E-1	R-1	R-2	B-1	B-2	O-R	I
Employment Office							X	X	X	X
Engineering Office							X	X	X	X
Exterminating & Fumigating Shop										X
Feed: Grain & Seed Sales	X							X		
Financial Institution -Bank – Savings & Loan Assoc. -Credit Union -Currency Exchange -Drive up -Personal Loan Agency							X X X S X	X X X S X	X X X S X	S
Floor Covering Sales							X	X		X
Fire Station & Public Rescue Squad	S	S	S	S	S	S	S	S	X	X
Florist							X	X		X
Food Locker							S	X		X
Funeral Home							S	S		
Furnace & Water Heater Sales & Service							X	X		X
Furniture: -Sales -Repair & Refinishing							X	X S		X S
Game Room							X	X		
Garage -Private -Public	X	X	X	X	X	X	X S	X X	X	X X
Gas Station								S		S
Gift Shop							X	X		
Glass & Mirror Supply								X		X
Golf Course, Country Club	S	S	S	S	S	S	S	S	S	S
Golf Driving Range or Mini-Golf	S							S		
Grain Elevator	S									S
Greenhouse - Commercial Nursery Center	X							X		
Grocery: -Convenience Store -Supermarket							X	X X	S	S

	A-1	E-5	E-2	E-1	R-1	R-2	B-1	B-2	O-R	I
Group Dwelling -Handicapped -Semi-Independent Living						S S				
Hardware Store							X	X		
Health Food Store							X	X		
Health Club, Gymnasium, Racquetball, Reducing Salon, Tennis							S	S		S
Horse: -Farm -Stable (Private)	X X	S X	S S							
Hospitals								S	S	S
Hotel (Also see Motel)							S	S	S	S
Household Appliances - Sales & Repair							X	X		X
Ice Cream Shop							X	X		
Income Tax Service							X	X	X	X
Industry, including assembly, cleaning, compounding, fabrication, manufacturing, packaging, processing & production										X
Insurance Agency							X	X	X	X
Interior Decorator							X	X	X	X
Janitorial Services							S	X	X	X
Jewelry, Retail							X	X		
Kennel -Commercial -Home	S S	S						S S		
Laboratory									X	S
Laundromat							S	S		
Library, Public	S	S	S	S	S	S	S	S	S	S
Liquor Store							S	S		
Locksmith							X	X		X
Long Term Care Facility							S	S	S	
Mail Order House										X
Martial Arts Instructions							X	X		S

	A-1	E-5	E-2	E-1	R-1	R-2	B-1	B-2	O-R	I
Manufacturer's Agent Office							X	X	X	X
Markets: Fish, Fruit, Meat or Vegetables							S	X		
Motel (Also see Hotel)							S	S	S	S
Motorcycle, ATV or Snowmobile Sales & Service								S		S
Municipal Buildings	S	S	S	S	S	S	X	X	X	X
Museum								X	S	S
Music - Record or Instrument Store							X	X		S
Newspaper - Publisher								X	X	X
Nursery	X	S						X		
Obedience School: -Boarding -Non Boarding								S S		S
Office Supplies & Stationery							X	X	S	S
Paint & Wallpaper Store							X	X		
Park or Open Space	X	X	X	X	X	X	X	X	X	X
Parking Area (Public)							S	S	S	S
Pet Shop							X	X		
Pet Supply Store							X	X		
Pet Grooming										S
Pharmacy							X	X		
Planned Unit Development	S	S	S	S	S	S	S	S	S	S
Plumbing Supplies & Fixture Sales								X		X
Police Station	S	S	S	S	S	S	S	X	X	X
Public Utility Company (Yards & Garage)								S		X
Real Estate Sales Office	T	T	T	T	T	T	X	X	X	T
Recreational Vehicle Sales & Service								S		S
Recycling Collection Point							T	T		T
Rental Service Store							X	X		X
Residential -Single Family Dwelling	X	X	X	X	X	X				

	A-1	E-5	E-2	E-1	R-1	R-2	B-1	B-2	O-R	I
Research								S	X	X
Resort								S		
Restaurant: -Banquet-Recreation/Conference Facility -Dine In -Drive-up and/or Carry Out							X S	S X S		
Retail - General							X	X		
Roadside Stands & Seasonal Sale	T	T	T	T	T	T	T	T	T	T
Roller Skating Rink								S		S
Schools: -Private -Public	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S
Second Hand Store							X	X		
Septic Tank Sales & Service										S
Sexually Oriented Businesses										S
Shoe Sales or Repair							X	X		
Shopping Center								S		
Special Promotions							T	T		
Sporting Goods (Retail)							X	X		
Stockbroker							X	X	X	X
Storage: Any Outside Storage Equipment Self Service Storage Facility Warehouse Wholesale	S			S			S	S	S	S X S S X
Swimming Pool: -Public -Supplies & Service							S X	S X	S	S X
Tailor							X	X		
Tanning Spa							X	X		X
Tavern or Night Club							S	S		
Taxidermist								X		
Teen Club							S	S		

	A-1	E-5	E-2	E-1	R-1	R-2	B-1	B-2	O-R	I
Tent Theaters: Religious, Meetings, Festivals, Sponsored by Local Civic, Religious, Governmental & Fraternal Organizations	T	T	T	T	T	T	T	T	T	T
Theater - Indoor Movie							S	S		
Title Company							X	X	X	X
Tool Grinding & Sharpening								S		X
Towers (includes Communication Towers)									S	S
Township/County Buildings							S	S	S	S
Toy Store							X	X		
Travel Agency							X	X	X	
Trucks: - Parts & Supplies -Rental Sales -Service								X S S		X S S
United States Post Office								X	S	X
Upholsterer							X	X		X
Utility Facility	S	S	S	S	S	S	S	S	S	S
Veterinary Clinic								S	S	S
Wholesaling of Commercial & Retail Products										X
Welding										X
Window Cleaning Service							X	X		X
YMCA, YWCA								X		
Yard & Garden Equipment - Sales & Service	S							X		
Zoo								S		

Chapter Six - Lot Area, Yard and Bulk Regulations

Section 601 - Table 2: Lot Area, Yard and Bulk Regulations

Lot area, yard and bulk requirements are tabulated along the top of *Table 2*. The Zoning designations are listed along the left edge of *Table 2*.

Section 602 - Exceptions to Zone Regulations

The following exceptions are established to provide relief from the Zoning District Bulk Regulations where applicable.

602.1 Height Exceptions. The following structures or parts thereof, are exempt from the height limitations set forth in *Table 2*, except as limited by height restriction imposed by an airport authority or similar agency operating an airport.

- A. Bell Towers;
- B. Bulk storage silos and towers not specified elsewhere in this Ordinance;
- C. Chimneys;
- D. Fire towers, stacks, and cooling towers;
- E. Flagpoles not used for advertising;
- F. Public utility poles, towers, wires and other apparatus;
- G. Radio and television antennae and towers, provided that for any residential use, a television, citizen's band or short-wave radio antennae, not exceeding 10 feet in height and attached to the roof shall be exempt from consideration when determining the maximum height of that building. For a separate television, citizen's band or short wave radio tower/antennae not attached to the roof of the residential building, the maximum height requirement of that Zoning District plus 10 feet;
- H. Smokestacks;
- I. Towers; fire, mechanical and smoke not to exceed by 16 feet the height restriction of the zone in which they are located;
- J. Water tanks and standpipes;
- K. Solar energy systems and mechanical appurtenances;

Table 2
Lot Area, Yard and Bulk Regulations

Zoning District	Minimum lot Area	Minimum Lot Width	Minimum Yard Abutting Street [A] [B]	Minimum Rear Yard [A]	Minimum Side Yard [A]	Minimum Transitional Yard [A]	Maximum Lot Coverage	Height of Principle Use		Height of Accessory Use		Maximum Accessory Size
		FT	FT	FT	FT	FT	%	FT	Stories	FT	Stories	
A-1 Agricultural/ Residential	40 acres	330	50 ^[D]	75	50	--	--	--	--	--	--	1800 sq. ft
E-5 Estate Residential	5 acres	300	100	100	40	--	15	35	2.5	20	1	1800 sq. ft
E-2 Estate Residential	2 acres	250	50	50	20	--	15	35	2.5	15	1	1200 sq. ft
E-1 Estate Residential	1 acre	150	50	35	20	--	15	35	2.5	15	1	600 sq. ft
R-1 Single Family Residential	40,000 sq. ft	150	50	35	20	--	15	35	2.5	15	1	600 sq. ft
R-2 Single Family Residential	30,000 sq. ft	100	30	20	15	20	15	35	2.5	15	1	600 sq. ft
B-1 Downtown Business	½ acre	100	--	20	--	30	70	35	2.5	20	1	--
B-2 General Business	½ acre	100	30	20	10	50	35	35	2	20	1	--
O/R Office Research	½ acre	100	30	20	10	30	35	35	2.5	20	1	--
I Industrial	80,000 sq. ft	150	50	20	10	100	--	40	2	20	1	--

Table 2 - Lot Area, Yard and Bulk Regulations - continued

In all Zoning Districts, the following schedule shall be used to allow reduced frontage for the division of land along the outside curve of roads and highways:

<u>Radius of Curve Along Right of Way</u>	<u>Percent of Reduction of Frontage Allowed</u>
Over 4,001 feet	None
2,201 to 4,000 feet	10%
1,101 to 2,200 feet	15%
826 to 1,100 feet	20%
651 to 825 feet	25%
526 to 650 feet	30%
431 to 525 feet	35%
361 to 430 feet	40%
301 to 360 feet	45%
250 to 300 feet	50%
Under 250 feet except cul-de-sac	50%
Cul-de-sac	60%

Note:

1. In any Zoning District, the minimum frontage on a curved road or highway shall not be less than 90 feet;
2. In any Zoning District, the minimum frontage on a cul-de-sac shall not be less than 75 feet.

Footnotes to Table 2

- A. Setbacks along major roads may be required to be greater than those stated in *Table 2* in all zoning districts. Route 12 and Route 173 shall have a "minimum yard abutting a street" setback of 100 feet in Industrial, Business, and Office/Research Districts.
- B. When 60% or more of the lots or parcels of the same Zoning District Classification for a distance of 800 feet in a linear block have existing structures and establish a building line other than required, that line shall be the required setback line. However, if such structures vary in setback other than the required setback, the average of all structures shall be used as the required setback line.

- C. The following requirements shall be applicable to accessory buildings in “A-1”, “E-5” and “E-2”, Estate Residential Zoning Districts:
1. One accessory building with a maximum square footage of 1200 square feet in “E-2” districts and 1800 square feet in “A-1” and “E-5” districts or one equestrian accessory building is allowed. Two accessory buildings (i.e. an accessory building and an equestrian accessory building) or two or more accessory buildings, etc. are prohibited.
 2. An equestrian accessory building shall contain a minimum square footage of 1200 square feet but no more than a maximum of 3600 square feet. To determine the size of the equestrian accessory building that is allowed, the square footage of the parcel in question shall be multiplied by .016642. The size of the equestrian accessory building will be no greater than 720 square feet per acre of land.
 3. The maximum height in the peak of the roof of an equestrian accessory building shall be 21 feet or no higher than the peak of the residence, whichever is shorter. The maximum eaves shall be 14 feet.
- D. Fifty (50) feet from establish right-of-way or 80 feet from the centerline, whichever is greater.

602.2 Yard and Building Exceptions. The following structures shall be allowed to project into or to be constructed in any required yard or beyond the building setback line, except that in no case shall such structure or component part thereof extend beyond the property line:

- A. Air Conditioner:
 - **Window.** Provided that a hot air baffle, directed upward, be installed.
 - **Central Air.** Provided it is not closer than 15 feet to a neighboring residential dwelling and that the hot air is baffled in an upward direction.
- B. Awnings and canopies, not to exceed 3 feet;
- C. Bay windows, not to exceed 1.5 feet;
- D. Chimneys not to exceed 1.5 feet;
- E. Driveways and curbs;
- F. Fans, provided that baffles be installed in an upward direction;
- G. Fences, walls, and landscaping hedges in accordance with the *Screening and Landscaping* section of this ordinance;
- H. Flagpoles;
- I. Garbage disposal equipment, non-permanent;
- J. Islands and pumps for gasoline service stations, minimum setback of 20 feet is required;
- K. Mailbox;
- L. Overhanging roof, eave, gutter, cornice, or other architectural features, not to exceed

- 1.5 feet;
- M. Parking spaces as regulated in the *Parking* section of this ordinance;
- N. Planting boxes 1.5 feet;
- O. Recreational equipment, recreational vehicles shall comply with *Recreational Vehicles* section of this ordinance;
- P. Sidewalks and steps;
- Q. Signs, as regulated by the *Village of Spring Grove's Sign Ordinance*;
- R. Steps or stairs to a dwelling, non-enclosed, not to exceed 4 feet;
- S. Terraces (open), non-enclosed porches, and non-enclosed decks, not to exceed 4 feet;
- U. Trees, shrubs, flowers and other plants;
- V. Yard and service lighting fixtures, poles.

Chapter Seven - Special Uses

Section 701 - Special Use Permits

In addition to those uses permitted by right, listed in *Table 1 - Permitted Uses*, there are certain other uses, which may be permitted by Special Use Permit. These Special Uses, which because of their unique characteristics require particular consideration as to the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. The following uses listed in *Section 702 - 713 and Chapters 8, 9, and 10* shall be subject to additional requirements imposed in the public interest to cover circumstances unique to the selected site. All conditions and requirements set forth for a particular Special Use shall be considered as additional to the general requirements of this Ordinance for the Zoning District in which the Special Use is located.

- ❑ Chapter 8 Adult (Adults – Only) Businesses
- ❑ Section 702 Amphitheaters
- ❑ Section 703 Bed and Breakfast
- ❑ Section 704 Cemetery
- ❑ Section 705 Child Care Facility
- ❑ Section 706 Church or Place of Worship
- ❑ Chapter 9 Earth Materials Extracting, Processing, and Site Reclamation
- ❑ Section 707 Homes - Group, Nursing and Semi-Independent
- ❑ Section 708 Horse - Farm or Private Stable
- ❑ Section 709 Hospitals
- ❑ Section 710 Kennels
- ❑ Chapter 10 Planned Unit Development
- ❑ Section 711 Towers (including communication towers) over 60 ft. in height
- ❑ Section 712 Utility Facilities
- ❑ Section 713 Schools, Private

Section 702 - Amphitheaters

702.1 Standards. The following information shall be added to the standards of operation and design of an amphitheater.

- A. The facility shall meet all applicable requirements of the McHenry County Department of Health.
- B. The site shall contain at least 20 acres and shall have direct access to a major street or road.
- C. All yards shall be at least 50 feet from the boundary line of the subject property on the sides, rear and front.

- D. Adequate vacant area must be available on the site to provide sufficient parking space to handle all anticipated crowds.

Section 703 - Bed and Breakfast

703.1 Standards. The following information shall be added to the standards of operations for a bed and breakfast use.

- A. No more than 3 guestrooms shall be allowed.
- B. Off-street guest parking shall be required.

Section 704 - Cemetery

704.1 Standards. The following information shall be added to the standards of establishment and operation of a cemetery.

- A. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets. The site shall have direct access to a public thoroughfare.
- B. All burial buildings shall be set back at least 80 feet from any street bounding a cemetery or memorial park and there shall be 2 side yards and a rear yard of at least 55 feet each. A burial building is any building used for the interment of bodies or other remains of persons and includes mausoleums, vaults and columbariums.
- C. All graves or burial lots shall be set back at least 30 feet from any right of way bounding the cemetery and there shall be 2 side yards and a rear yard of at least 25 feet each, which are to contain no burial lots or graves.
- D. Adequate facilities shall be provided on the site and no cemetery parking will be permitted on any public streets.
- E. Pet cemeteries may also be allowed as Special Uses. Pet cemeteries shall comply with all State and County requirements covering this type of use.

Section 705 - Child Care Facility (4 or More Children)

705.1 Standards. The following standards shall apply to child care Special Use permits:

- A. Child care facilities must obtain and maintain a license for the operation of the facility.
- B. If there is a pick-up or drop-off area for children, it shall be placed so that children do not have to cross the parking lot or any other traffic area.
- C. A circulation pattern shall be planned to avoid a stack of cars. A one-way traffic pattern is suggested if possible.

D. A fenced outdoor play area adjacent to or very close to the facility shall be required.

Section 706 - Church or Place of Worship

706.1 Application. The following information shall be added to the application for a church or place of worship.

An application for a Special Use permit to locate and operate a church shall be accompanied by the basic information required in accordance with the *Application Procedure for Special Use provision of the Village of Spring Grove Zoning Ordinance*, and it shall also include a traffic study and report showing an unobstructed line of sight distance along all contiguous streets, an estimate of peak traffic volumes generated by the church facility, and counts on said streets. (Traffic count maps are available from the Illinois Department of Transportation, Schaumburg.)

706.2 Standards. The following information shall be added to the standards of operations of a church or place of worship.

Unobstructed line of sight stopping distances along contiguous streets shall be observed and shall meet the following schedule of posted traffic speeds:

<u>Existing Speed Posting</u>	<u>Required Stopping Sight Distance</u>
Miles per Hour	Feet
15	18
20	120
25	160
30	200
40	275
50	350

Section 707 – Home: Retirement, Group, Nursing, and Semi-Independent

707.1 Application. The following additional information shall be included in the application for a Home: Group, Nursing, and Semi-Independent Special Use permit:

- A. A statement of the exact nature of the facility planned;
- B. The qualifications of the organization which will operate the facility;
- C. The type and number of personnel who will be involved in the daily operation of the facility;
- D. Evidence that the facility will be able to obtain all of the Federal, State and local licenses and certification of accreditation needed for the type of use being proposed;
- E. In the case of a health-related facility which requires a State certificate of need, the proposed facility shall be reviewed by the local Health Systems Agency, and a copy of their report shall be attached to the application;
- F. In the case of a facility related to mental health, including but not limited to those in developmental disabilities, mental retardation, drug abuse or alcohol rehabilitation, the proposed facility shall be reviewed by the local Health Board. A copy of their report shall be attached to the application.

707.2 Standards. The following standards shall apply to Home: group, nursing, and semi-independent:

- A. All homes shall obtain and maintain any State, Federal or local licenses required for their operation. Failure to maintain such licensure may result in a revocation of the Special Use;
- B. Semi-Independent living residences shall conform as much as possible to the type and outward appearance of the residences in the area in which they are located. This provision shall in no way restrict the installation of any ramp or other special features required to serve handicapped residents;
- C. Any residential care facility which has residents who may require medical consultation shall have provisions for obtaining the medical consultation whenever necessary. This provision shall in no way require constant, in-house medical care.

Section 708 - Horse: Farm or Private Stable

708.1 Regulations. When horses or other equine are maintained on a parcel, the following regulations shall apply:

- A. Such stables are allowed in the "E-5" and "E-2" Zoning District;
- B. The minimum lot or parcel area for a private stable shall be 2 acres;
- C. The minimum gross lot area per horse shall be 29,000 square feet; the maximum number of horses allowed on any parcel shall be 5.
- D. No more than 2 horses not belonging to the owner of a private stable may be boarded in such private stable;
- E. The maximum number of horses allowed in "E-5" zoning is 8.
- F. All persons maintaining horses shall meet applicable requirements of the McHenry County Public Health Ordinance.

Section 709 - Hospitals

709.1 Application. The following additional information shall be included in an application for a hospital Special Use permit:

- A. The proposed hospital shall be reviewed by the local Health Systems Agency. A copy of their report shall be attached to the application;
- B. The application shall be accompanied by any permits required by the State of Illinois for the construction of a hospital, or evidence that the needed permits will be issued pending the granting of proper zoning;

Section 710 - Kennel

710.1 Application. The following additional information shall be included in the application for a kennel Special Use permit:

- A. The map required in accordance with the *Application Procedure for Special Use provision of the Village of Spring Grove Zoning Ordinance* shall be modified to show the surrounding areas within ¼ mile of the site.
- B. The site plan map required in accordance with the *Application Procedure for Special Use provision of the Village of Spring Grove Zoning Ordinance* shall also show any existing or proposed plantings and landscape features which may serve as noise buffering and visual screening elements;

- C. A report from the McHenry County Department of Health is required, certifying that the proposed location and operation will not create a public hazard or in any way cause pollution of any surface or groundwater supply and that the owner and/or operator complies with the McHenry County Public Health Ordinance.

710.2 Design and Operation. The design and operation of kennels shall be governed by the following standards:

- A. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized;
- B. Exercise yards, when provided for training or exercising, shall be restricted to use during daylight hours;
- C. In addition thereto, kennels shall be governed by the following standards:
 - 1. The owner and/or operator or a responsible person shall be present at all times;
 - 2. All points on the perimeter of the kennel structure shall be at least 100 feet from the nearest boundary line of the parcel on which the structure is located.

Section 711 – Towers (including Communication Towers) over 50 feet in Height

711.1 Standards. The following standards shall apply to towers, including communication towers, over 50 feet in height.

- A. Any tower the height of which exceeds the distance from such tower to the lot's or parcel's property lines shall be constructed to meet the requirements of all applicable Village and State Codes.
- B. All towers shall be equipped with anti-climbing devices.
- C. All towers shall be fenced to prevent unauthorized access.
- D. All tower plans shall be certified by a registered structural engineer.
- E. All towers must meet standards of the FAA and FCC of the Federal Government.
- F. All support buildings shall be constructed of such style and material to be compatible with the area.
- G. Landscaping of the site shall be required and shall be done in a manner that is aesthetically pleasing.

Section 712 - Utility Facilities

In accordance with the Statutes of the State of Illinois, nothing in this Ordinance shall impose restrictions on the type, or location of any poles, towers, wires, cables, conduits, vaults, laterals or any similar distributing equipment of a public utility.

712.1 Application. An application to construct and operate either water works or sewage treatment plants shall be accompanied by a report and recommendations from the McHenry County Health Department.

- A. The facility shall comply with any recommendations from the McHenry County Health Department as to design and construction, type of treatment, source of water, standards for testing and sampling standards for the quality of effluent which are contained in the report required above;
- B. The required lot area and location for the facility shall be determined in relation to the nature of the proposed use, the intensity of such use, and the effects of such upon the environment;
- C. If findings indicate that a hazard may result, or that interference with the developments or use and enjoyment of surrounding properties may ensue, fencing or screening with a densely planted hedge or other shielding material may be required in a manner consistent with such findings;
- D. The facility shall comply with any Federal, State or local standards, which are applicable to the particular type of use.

Section 713 - Schools (Private)

713.1 Application. The application to locate and operate a private school shall include a traffic study and report showing an unobstructed line of site distance along all contiguous streets, an estimate of peak traffic volumes generated by the private school facility, and counts on said streets.

713.2 Standards. The following standards shall apply to a Special Use for private schools:

- A. Unobstructed line of sight stopping distances along contiguous streets shall be observed and shall meet the following schedule of posted traffic speeds:

Existing Speed Posting	Required Stopping Sight Distance
Miles per Hour	Feet
15	18
20	120
25	160
30	200
40	275
50	350

- B. Drainage and stormwater detention shall conform to Village standards for stormwater detention, retention and release.
- C. The private school facility shall comply with all applicable Health Department requirements based upon an estimated private school enrollment.

Section 714 - Application Procedure

714.1 Application. An application for a Special Use permit shall be filed with the Village Clerk. The administrative procedures for processing a Special Use permit are described in Chapter 17 of this Ordinance.

714.2 Statements. All applications for a Special Use permit shall be accompanied by at least the following information and exhibits:

- A. Plat of Survey;
- B. A map of the proposed site and the surrounding area within 100 feet of the site. Such map shall show the following:
 1. The location and name of all streets;
 2. The location of all easements and right-o-ways;
 3. The location of any and all residences or other permanent structures.

- C. A site plan, drawn to scale, showing the location of all proposed structures, driveways, parking spaces and other improvements;
- D. The additional information requested in this Chapter and other relevant review information.
- E. Fees as required in accordance with the *Filing Fees provision of the Village of Spring Grove Zoning Ordinance*.
- F. Public notice requirements as required in accordance with the *Public Notice provision of the Village of Spring Grove Zoning Ordinance*.
- G. Any other information or documentation deemed appropriate by the Chairperson of the Planning & Zoning Commission or the Hearing Officer.

Section 715 - Standards for All Special Uses

In recommending approval of a Special Use permit, the Planning & Zoning Commission or Hearing Officer shall transmit to the Village Board written findings of fact that all of the following conditions apply to the application for a Special Use permit. The Village Board will not be bound by the recommendation of the Planning & Zoning Commission or the Hearing Officer. However, in granting approval, the Village Board shall similarly find that all of the following conditions apply:

- A. That the standards listed in the section covering individual Special Uses have been met;
- B. That the site shall be so situated that the proposed use is compatible with the existing or planned future development of the area;
- C. That the establishment, maintenance or operation of the Special Use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity;
- D. That the Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted;
- E. That the Special Use shall not substantially diminish and impair property value within the neighborhood and any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of permitted uses in the zoning district have been appropriately controlled;
- F. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- G. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on the public streets;

- H. That the Special Use shall, in all other respects, conform to the applicable regulations of the Spring Grove Zoning Ordinance for the district in which it is located;
- I. That the proposed use is in harmony with any other elements of compatibility pertinent in the judgment of the Village Board to the particular Special Use or its particular location.

Section 716 – Authority

The Board of Trustees of the Village shall, in authorizing the issuance of a Special Use Permit, consider, and impose where applicable, time limits on the Special Use Permit, as well as reasonable conditions which, if the applicant fails to meet or otherwise adhere to, will result in the suspension, revocation or termination of the Special Use Permit.

The Board of Trustees of the Village shall retain the authority after granting the Special Use Permit, to modify, alter, amend, extend the time limit of or refuse to extend the limit of the Special Use Permit, with or without application, and with or without hearing before the Planning & Zoning Commission.

If the Village's Building Officer files an application to suspend, revoke or otherwise terminate a Special Use Permit, said application shall be filed with the Village Clerk and reasonable notice shall be served upon the owner of the subject property and any other person or entity to whom the Special Use Permit was issued. A hearing on the Building and Zoning Officer's application to suspend, revoke or otherwise terminate the Special Use Permit shall be conducted before the Planning and Zoning Commission. At the conclusion of the hearing, the Planning and Zoning Commission shall make a recommendation to the Board of Trustees to grant or deny the request by the Building and Zoning Officer to suspend, revoke or otherwise terminate the Special Use Permit. The Board of Trustees shall, after the hearing before the Planning and Zoning Commission, have the authority to suspend, revoke or otherwise terminate the Special Use Permit if passed by the favorable vote of at least two-thirds (2/3) of the Trustees holding office.

Chapter Eight–Sexually Oriented Businesses

Section 801 - Purpose

The purpose of this Chapter is to establish reasonable and uniform regulations to minimize and control the negative secondary effects of sexually oriented businesses within the municipality in order to promote the health, safety, and welfare of the citizens of the municipality. The provisions of this Chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content any communicative materials or communication, including sexually oriented entertainment. Similarly, it is not the purpose or effect of this Chapter to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Furthermore, it is not the intent or effect of this Chapter to condone or legitimize the distribution or exhibition of entertainment that is obscene.

Section 802 - Findings

Based on evidence concerning the adverse secondary effects of sexually oriented businesses presented to the municipality from findings incorporated in the cases of *City of Erie v. Pap's A.M.*, 529 U.S. 277, 120 S.Ct. 1382 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986) *Young v. American Mini Theaters*, 426 U.S. 50 (1976), *Berg v. Health and Hospital Corporation*, 865 F.2d 797 (7th Cir 1989); *Ellwest Stereo Theaters v. Wenner*, 681 F.2d 1243 (9th Cir. 1982); *Bamon Corp v. City of Dayton*, 730 F.Supp 80 (S.D. Ohio, 1990) and *EWAP Inc. v. City of Los Angeles*, 97 Cal. App 3d 179, 158 Cal. Rptr. (1979), and on studies in other cities including the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* (Minnesota, 1989); *Memorandum re: Adult Entertainment Ordinance*, of the Assistant Chief of Police of the Tucson, Arizona (May 1, 1990); Hecht, Peter R., Ph.D., *Report to the American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses* (March 31, 1996); *Adult Entertainment Businesses in Indianapolis, An Analysis* (1984) and McCleary, Richard, Ph.D. and Meeker, James W., Ph.D., *Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard*, (Garden Grove, CA, October 23, 1991), this Legislative body finds:

1. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities.
2. Sexual acts, including masturbation, oral sex and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or rooms for viewing films, videos, or live sexually oriented entertainment. Such activities may result in spreading communicable diseases such as syphilis, gonorrhea, and human immunodeficiency virus (HIV).

3. Studies conducted in other cities have demonstrated a correlation between sexually oriented business and a decrease in the residential and commercial property values that surround them, especially those properties within 1,000 feet of such businesses.
4. Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and increased crime in the neighborhood, including sex-related crimes like prostitution, obscenity, and sexual assault. This correlation is especially acute when more than one sexually oriented business is located in a neighborhood, and when a sexually oriented business is located near a public open space such as a park, cemetery or school.
5. Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and increased harassment and propositioning of women, children and the elderly in the neighborhood.
6. Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and offensive material such as pornographic magazines and used condoms being discarded in the surrounding neighborhood, making them available to children.
7. Location of sexually oriented business in a neighborhood can create a “sex for sale” reputation in a neighborhood.
8. The foregoing findings raise substantial governmental interests and concerns.
9. The municipality cannot entirely prohibit sexually oriented businesses that are not obscene from locating within the municipality.
10. The municipality can effect reasonable locational regulations which it believes will ameliorate these deleterious secondary effects associated with sexually oriented businesses
11. Locating sexually oriented businesses in an industrial zone will ameliorate these deleterious secondary effects associated with sexually oriented businesses.
12. Requiring sexually oriented businesses to be located 1,000 feet from any other sexually oriented businesses will ameliorate these deleterious secondary effects associated with sexually oriented businesses.
13. Requiring sexually oriented businesses to be located 1,000 feet from any school, day care center, cemetery, public park including any lineal recreational area like a bike path, public housing, place of religious worship, lot zoned for residential purposes and lot used for residential purposes, complies with the requirements of state law 65 ILCS 5/11-5-1.5, and will ameliorate these deleterious secondary effects associated with sexually oriented businesses.

14. U.S. Route 12, State Route 173, Spring Grove Road and Winn Road are the main thoroughfares in the municipality, and more than any other locations in the municipality reflect on the economic status of the municipality.
15. Accordingly, a decrease in the property values and an increase in visible crime along these thoroughfares will affect the property values of the municipality as a whole in a way that other locations would not.
16. Preventing sexually oriented businesses from locating directly on, or within 500 feet of U.S. Route 12, State Route 173, Spring Grove Road and Winn Road will help to conserve property values in the municipality as a whole, while still providing an adequate number of sites and acreage available for the location of sexually oriented businesses.
17. At the time this Chapter was approved, the regulations set forth herein provided certain sites would be available for sexually oriented businesses in the municipality.

Section 803 - Definitions

For purposes of this Chapter,

- (A) EMPLOYEE shall mean a natural person who performs any service or work on the premises of a sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. EMPLOYEE does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- (B) EXCRETORY FUNCTIONS shall mean urination, defecation, lactation, ejaculation and menstruation. It shall not mean urination and defecation performed in a public or employee-only restroom in the manner in which those facilities are intended to be used, and when not performed or presented for a commercial purpose. It shall not mean lactation as part of breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant.
- (C) MUNICIPALITY shall mean the Village of Spring Grove, Illinois.
- (D) NUDITY or NUDE shall mean exposing to view specified anatomical areas or any device, costume, or covering that gives the appearance of or simulates any specified anatomical areas.

- (E) PATRON shall mean any natural person who is not an employee.
- (F) SEMI-NUDITY or SEMI-NUDE shall mean exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
- (G) SEXUALLY ORIENTED AMUSEMENT DEVICE shall mean any machine or device which is designed, intended, displayed or kept as an amusement or entertainment, and may be operated upon the insertion of a coin, slug, token, plate, disc, electronic key, credit card, debit card or any similar item, or the use of which is made available for any valuable consideration, and which displays a natural person, people, or characters as in cartoons and animation, live or by any medium, including without limitation film, motion picture machine, projector, filmstrip, videotape, digital video disc (DVD), laser disc, compact disc (CD), floppy disc, photograph, slide, television, book, magazine, and computer software, engaged in specified sexual activity or displaying specified anatomical areas.
- (H) SEXUALLY ORIENTED BUSINESS shall mean any of the following when done in a place where the public is invited or permitted, or when done for any commercial purpose including sale and rental, regardless of who pays or receives the consideration therefor, and regardless of the form of consideration:
- (1) Live exhibition or display of a natural person or people in the state of nudity or semi-nudity, or engaged in specified sexual activities or excretory functions;
 - (2) Any premises with a sexually oriented amusement device;
 - (3) The rental or leasing of a hotel room, motel room or similar room for a period not exceeding ten hours, but not including dining rooms, banquet rooms, ball rooms, conference rooms and similar facilities if they are used or to be used for specified sexual activities or excretory functions;
 - (4) Offering of physical contact in the form of wrestling or tumbling between natural persons of the same or opposite sex, when one or more of the persons is nude or semi-nude, and also the offering of physical contact which constitutes specified sexual activities regardless of the sex of the person performing or receiving the contact;

- (5) Offering of products, services or activities by or with a natural person or people when one or more of the people, whether a patron, agent, employee or otherwise, is in a state of nudity or semi-nudity.
- (6) Displaying or offering to others any recorded depiction of a natural person, or created image or character, as in cartoons and animation, by any medium, including without limitation film, videotape, closed-circuit television, digital video disc (DVD), laser disc, compact disc (CD), floppy disc, photograph, slide, television, book, magazine, and computer software, which is:
 - (a) Characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas; or
 - (b) Advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas, including without limitation, the use of the term “adult” and the use of the designation of one or more “X” such as, but not limited to, “XXX”.
- (7) The display and offering to others of novelties, instruments, devices, or paraphernalia that are designed primarily for use in connection with specified sexual activities or that give the appearance of or simulate any of the specified anatomical areas.
- (8) The term SEXUALLY ORIENTED BUSINESS shall exclude the following:
 - (a) The display and offering to others of condoms, spermicide or other non-prescription contraceptives, unless displayed and offered to others on the premises of a business which would otherwise be considered a sexually oriented business;
 - (b) The display and offering to others of drugs, instruments or devices which require a prescription, that are designed primarily for use in connection with specified sexual activities, and which are in fact dispensed by or under the supervision of a pharmacist licensed by the State of Illinois;
 - (c) The display and offering to others of instruments, devices, or paraphernalia that are designed primarily for use in connection with specified sexual activities if they are displayed and offered to others on the premises where a pharmacist licensed by the State of Illinois is employed to dispense prescription drugs, instruments or devices;

- (d) Breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant;
- (e) The display and offering to others of motion pictures, by any format, which have received a rating from the Motion Picture Association of America of G, PG, PG-13, R or NC-17, when offered or displayed substantially in their entirety;
- (f) Libraries and museums funded in whole or in part by federal, state or local governmental funds;
- (g) The display and offering to others of items which would otherwise qualify as a sexually oriented business pursuant to this Section, if and only if the display and offering are done for a commercial purpose, and all of the following apply to the business displaying and offering such items to others:
 1. Less than 5% of its gross income comes from the sale, rental or exhibition of the following types of items:
 - a. items which are characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, and
 - b. items which are advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, including without limitation, the use of the term “adult” and the use of the designation of one or more “X” such as, but not limited to, “XXX”; and
 2. Less than 5% of its display space is used for the sale, rental or exhibition of the items described in paragraph (1)(a) and (b) above; and
 3. Less than 5% of the items it offers to others are the items described in paragraph (1)(a) and (b) above; and

4. The items described paragraph (1)(a) and (b) above are segregated from all other displays and retail areas of the premises by a solid partition from floor to ceiling with no openings or windows and with entrance and egress by means of a solid door posted with a sign not less than one foot by one foot with the words "UNDER 18 NOT ADMITTED" lettered on the sign, except that magazines characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof may be displayed on racks or other display cases only if the magazine is encased or otherwise covered up and concealed from common view of anything other than the magazine title or text or other materials which would not be described as sexually oriented.

Certain uses which fall within the definition of SEXUALLY ORIENTED BUSINESS may also constitute uses which are illegal under local, state or federal law, such as obscenity or child pornography. Even if such illegal uses constitute a SEXUALLY ORIENTED BUSINESS under the definition set forth in this Chapter, they shall not be permitted uses in any district.

- (I) SPECIFIED ANATOMICAL AREAS shall mean the human genitals, pubic area, perineum, anus, anal cleft or cleavage, pubic hair, any portion of the areola of the female breast if less than a fully and opaquely covered; and the male genitals in a discernibly turgid state, even if entirely covered by an opaque covering. In determining whether any of the foregoing portions of the anatomy are fully and opaquely covered, coverage by make-up, paint, or similar matter applied directly to the skin, shall not be considered to be fully and opaquely covered.
- (J) SPECIFIED SEXUAL ACTIVITIES shall mean any of the following, whether actual or simulated:
 - (1) The fondling or other erotic touching of human genitals, pubic area, perineum, anus, anal cleft or cleavage, pubic hair, buttocks, or female breasts, regardless of whether the performer or recipient is clothed, in a state of nudity or in a state of semi-nudity;
 - (2) The manipulation of the human body of another, including massage, by the use of any portion of manipulator's body, whether covered or uncovered, or by any device, if the person performing the manipulation or the person receiving the manipulation is in a state of nudity or semi-nudity;

- (3) Sex acts, normal or perverted, heterosexual, homosexual or bisexual, including without limitation intercourse, fellatio, cunnilingus, analingus, masturbation, bestiality, sodomy, bondage and discipline, sadism and masochism, and any other act intended to cause sexual arousal;
- (4) Sex acts between animals when offered or displayed for the purpose or with the intent of causing the sexual arousal of a human viewer.

Section 804 - Special Use

Any other ordinance or section of any ordinance notwithstanding, and subject to the setback requirements of Section 102-315, sexually oriented businesses shall be a special use only in Industrial Zoning District. Sexually oriented businesses shall not be a special use in any other district.

Section 805 - Setback Requirements

No sexually oriented business shall be located:

- (A) Within 1,000 feet of the property boundary of any other sexually oriented business, and any school, day care center, cemetery, public park including any lineal recreational area like a bike path, public housing, place of religious worship, lot zoned for residential purposes, and lot used for residential purposes; and
- (B) Within 500 feet of the center line of Route U.S. 12, State Route 173, Spring Grove Road and Winn Road which 500 feet shall be measured from the nearest point of the building, or portion of the building in which the sexually oriented business is located to the nearest point of the center line of U. S. Route 12 or State Route 173, Spring Grove Road or Winn Road; and
- (C) On a lot which physically touches U. S. Route 12 or State Route 173 or Spring Grove Road or Winn Road.

Section 806 - Restrictions on Use

- (A) All sexually oriented businesses shall be conducted entirely within a fully enclosed business. No sexually oriented business shall be operated in any manner that permits the observation from outside the building of any image, material or entertainment depicting or describing excretory functions, specified sexual activities or specified anatomical areas or any person in a state of nudity or semi-nudity, whether by means of display, decoration, sign, window or any other means.
- (B) No sexually oriented business shall be issued a liquor license under Chapter 9 of the Village of Spring Grove Code of Ordinances.

Section 807 - Signage

No sexually oriented business shall advertise by way of billboard, sign boards or sign, within 1,000 feet of any school, day care center, cemetery, public park including any lineal recreational area like a bike path, public housing, and place of religious worship.

Section 808 - Other regulations

The restrictions set forth in this Chapter shall supersede any other restrictions found in other ordinances or other sections of any ordinance as applied to sexually oriented businesses, if the terms of the restrictions are in conflict.

Section 809 - Amortization

If at the time this Chapter becomes effective, any sexually oriented business exists in a location not permitted by this Chapter or is otherwise not in compliance with this Chapter, then the sexually oriented business shall constitute a legal non-conforming use. However, notwithstanding any other ordinance or section of any ordinance to the contrary, the legal non-conforming sexually oriented business shall come into compliance with the requirements of this Chapter within one year of the effective date of this Chapter. No sexually oriented business shall constitute a legal non-conforming use after one year after the effective date of this Chapter.

Chapter Nine – Earth Materials Extraction, Processing and Site Reclamation

Section 901 – Intent

It is the purpose of this Section to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by the surface mining in order to restore them to optimum future productive use consistent with the protection of the public health and the environment. Earth materials extraction, processing and site reclamation shall be permitted on a Special Use basis.

Section 902 - Applicable Districts and Operations

In any permitted zone, all operators extracting and/or processing earth materials, except as specified below, shall apply for a Special Use jointly with the owner or any person who is entitled to legal possession of the property to be affected and shall comply with the operation and reclamation regulations in this Section.

Section 903 - Exemption and Exemption Procedure

An owner will be exempt from the requirements of obtaining a Special Use permit pursuant to this Section provided each of the following conditions are satisfied.

- A. The surface mining operations are conducted upon a recorded parcel of land not exceeding 2 acres.
- B. Less than 10 feet overburden is removed, extracted or processed for the single purpose of improving the agricultural use of that parcel or another parcel in his ownership or that his spouse or children. Agricultural purposes do not include extraction of sand, gravel or limestone.

The owner shall file with and to the satisfaction of the Zoning Enforcement Officer an affidavit that the foregoing conditions are applicable. Such mining operations may be conducted without a hearing before the Planning & Zoning Commission and without approval of the President and Board of Trustees. The Zoning Enforcement Officer shall make available to the owner/operator, the necessary form of application and affidavit and issue a Certificate of Exemption if warranted. This certificate shall not eliminate the need for any other required permits.

Section 904 - Compliance with State and Federal Regulations

It shall be unlawful for any owner/operator to engage in surface mining in an area where the overburden shall exceed 10 feet in depth or where the operation will affect more than 10 acres during the permit year without first obtaining from the Illinois Department of Mines and Minerals a permit to do so, pursuant to the *Surface-Mined Land Conservation and Reclamation Act. 225ILCS 715/1 et.seq. as amended.*

All owner/operators shall comply with the Regulations of USEPA and any State or Federal regulatory agencies for occupational health and safety and obtain any necessary permits prior to issuance of the Special Use permit. Before the onset of any operations the Zoning Enforcement Officer must be provided with copies of all necessary permits.

Section 905 - Application

All owner/operators, except as specified in the Section, *Exemption and Exemption Procedure*, shall apply for a Special Use.

Section 906 - Statements

- A. Ownership of land.
- B. Minerals to be mined.
- C. Character and composition of vegetation and wildlife on land to be affected.
- D. Current assessed valuation of lands to be affected.
- E. Assessed valuation shown by 2 quadrennial assessments next preceding the currently effective assessment.
- F. The nature, depth and proposed disposition of the overburden.
- G. The estimated depth to which the mineral deposit will be mined.
- H. The technique to be used in surface mining.
- I. Estimated type and volume of excavation.
- J. The equipment proposed to be used.
- K. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water.
- L. The recycling of water used for washing and grading.
- M. The proposed usage or drainage of excess water.
- N. The simultaneous reclamation plan including methods of accomplishment, phasing and timing.
- O. Current and past uses of land.
- P. Location of existing roads, and anticipated access and haulage roads planned to be used or constructed in conducting surfacing mining.
- Q. Location and names of all streams, creeks and bodies of water within lands to be affected.

- R. Drainage on and away from the lands to be affected including directional flow of water, natural and artificial drainways and waterways and streams or tributaries receiving the discharge.
- S. Royalty fee to be paid to Village on all sand and gravel products.

Section 907 - Maps and Plans

- A. The owner/operator shall furnish the Spring Grove Village Clerk with a copy of the aforesaid statements, maps, plans and other related exhibits for review of the reclamation plan no less than 30 days before the Planning & Zoning Commission hearing.
- B. The Zoning Enforcement Officer shall prepare a written report and oral statement on the reclamation plan and enter it into evidence at the Planning & Zoning Commission hearing.
- C. All surface mining approvals shall expire 10 years from the date they were approved by the Village Board unless the Village President and the Board of Trustees approve a lesser time. At the public hearing with the Planning & Zoning Commission, a time limit will be established in which the operator will complete the mining of the parcel. If mining is not completed at the agreed time, the owner/operator will be required to request a renewal of the Special Use through Planning & Zoning Commission or cease operation. The maximum allowable time limit will be 10 years. The Zoning Enforcement Officer will be responsible for monitoring the operation throughout the life of the operation and Special Use.

Section 908 - Renewal of a Special Use

A renewal of a Special Use shall be for a period of time not more than 10 years.

- A. A request to renew a Special Use that involves acreage or equipment, in addition to that allowed in the original Special Use, shall be treated in the same manner as the initial application.
- B. A request to renew a Special Use when no additional acreage or equipment will be brought into use shall be handled in the following manner.

If the owner/operator is not able to finish mining the acreage described in the Special Use permit in the time specified, he shall apply to the Planning & Zoning Commission. A public hearing will be held. The maps required by this Ordinance for the initial hearing shall be revised, updated and resubmitted along with a statement of the current status of the mining reclamation. A new map describing conditions present on the site shall be furnished as described in "EXISTING CONDITIONS" of the Standards.

The applicant shall furnish the Spring Grove Village Clerk with a copy of the aforesaid maps, plans and other related exhibits for review of the revised or extended reclamation plan no less than 30 days before the Planning & Zoning Commission hearing.

The Zoning Enforcement Officer shall prepare a written report and oral statement on the revised or extended reclamation plan and enter it into evidence at the Planning & Zoning Commission hearing.

Any application for a renewal of a Special Use under this Section shall be filed with the Planning & Zoning Commission prior to 120 days before the expiration date of the original Special Use or any renewal thereof. A failure to file a request for renewal within the required time designated in this Section shall result in a required cessation of mining and sale of product upon the expiration of the Special Use.

Section 909 - Bonds

All owner/operators shall be required to obtain the proper permits and submit a bond or other acceptable form of surety. If the bond is required by the State the owner/operator shall be required to provide the Building Department with a photocopy. A bond will be required by the Village of not less than \$2,500.00 dollars for each acre to be affected. The actual dollar amount will be established during the hearing process with the Planning & Zoning Commission based upon 150% of the engineers estimate of the cost of reclamation per acre average at the time mining is to be performed. This estimate shall take into consideration inflation of costs in future years. The actual operation shall be monitored by the Zoning Enforcement Officer, and the Officer shall prepare a written report on the progress, before partial or full release of the surety.

The surety shall be held in the Treasurer's Office of the Village with copies available with the Village Clerk. Such bond will remain in effect until the affected lands have been reclaimed in accordance with the reclamation plan and the terms of the allowed are approved by the Zoning Enforcement Officer at the Annual Review of the operation. Land shall not be mined unless a bond for that land has been posted with the Building Department. The form and type of surety shall be approved by the Village Attorney. The bond shall be for the surety of completion of reclamation and the initial bond amount shall be set on the anticipated 3 year working basis with reasonable allowance for inflation of costs. Before the end of each 3 year period, the Zoning Enforcement Officer's evaluation of the past work shall be required for release of or reduction of the bond amount for the past 3 year period and at that time, re-bonding shall be established for the next 3 year period or fraction thereof. Before the end of each 1 year period, the Zoning Enforcement Officer's evaluation and the approval of the past years work shall be required for release of or reduction of the bond amount and at the time, rebonding shall be established for the next 1 year period or fraction thereof.

Section 910 - Reclamation Regulations

The reclamation plan map and statement of sequential operation and reclamation shall be followed to produce a finished condition that complies with the reclamation plan map and the provisions of this Section so as to provide for the return to a useful purpose of the affected land.

Section 911 - Changing the Reclamation Plan

In the event that a change in the reclamation plan is necessary due to the unanticipated characteristics of the area concerned, the Zoning Enforcement Officer shall be provided with appropriate documentation, study the proposed change and review them. Changes may be made in the Reclamation Plan upon the mutual consent of the owner/operator and the Zoning Enforcement Officer. The change shall preserve as substantially as possible the original Reclamation Plan, but shall also provide for the previously unknown variables.

Section 912 - Finished Conditions

The finished conditions of all land affected by surface mining shall:

- A. Be graded to a rolling topography traversable by machines necessary for maintenance in accordance with planned use, with slopes having no more than 15% grade. In the case of those lands to be reclaimed in accordance with the filed plan for forest plantations, recreation or wildlife, the final cut spoil, the outside slope of the box cut spoil, the outside slope of all overburden deposition area, and the side slopes of haulage road inclines shall not exceed 30% grade; but such slopes need not be reduced to less than the original grade of the overburden of the area prior to mining;
- B. Be designed to control conditions that could cause erosion on site or on surrounding properties;
- C. Be designed to eliminate large undrained depressions other than artificial lakes, or depressions designed specifically for erosion control;
- D. Be designed so that any surface drainage from the property shall leave the property at the original natural drainage points. If this is not possible, the drainage plans must be approved by the Zoning Enforcement Officer as part of the overall submission. Drainage volume shall not be increased over what it would have been if the site was left in its former use and water conservation practices were applied. The finished condition must meet the Spring Grove Standards for stormwater retention-detention contained within the Village of Spring Grove Subdivision Ordinance;
- E. Be covered with arable topsoil to a minimum depth of 6 inches, and shall have a minimum of 10% organic material, except that no greater depth of topsoil or percentage of organic material shall be required than that originally existing on the property prior to commencement of operations;

- F. Be successfully planted (after replacement of the topsoil) with trees, shrubs, legumes, grasses or ground cover in accordance with the reclamation plan in order to avoid erosion numbers and sizes of plantings should be included in the overall submission;
- G. G. Whenever production and/or procession on any property has been completed, then all processing plants, buildings (other than those shown on the reclamation plant), structures (except fences) and equipment shall be entirely removed from the property within 1 year after completion.

Section 913 - Operations and Reclamation Requirements

The operation and reclamation of extractive product areas shall be in accordance with the following conditions:

- A. Existing trees, shrubs, and other types of woody vegetation along road frontages shall be protected and maintained. Weeds and other unsightly noxious vegetation shall be cut or trimmed as may be necessary to present a reasonably neat appearance, to prevent grass fires or hazard of grass fires.
- B. No extraction operations shall be conducted in such manner that the groundwater table of surrounding properties is harmfully lowered. Water pumped from the site for the purpose of washing shall be retained in a pond until the silt and clay settles and then the water shall be recycled in the area affected. Groundwater quality shall be monitored and maintained on a regular basis in accordance with acceptable monitoring practices. Groundwater monitoring parameters are established and periodically updated by the McHenry County Board of Health manual entitled "The Manual for Groundwater Monitoring and Protection at Earth Material Extraction Sites". Results of the monitoring shall be made available to the Zoning Enforcement Officer as required.
- C. If the subject areas shall front on a township road which is used for access to site, the owner/operator shall, coincidental with commencement of operations, bring that township road up to the paving standards defined for industrial roads in accordance with street standards required in the Spring Grove Subdivision Ordinance, from the entrance to the subject area to the nearest Federal, State or County road used by the operator. The owner/operator shall repair any section of road damaged as a result of gravel hauling operations, but shall not be responsible for the normal wear and tear of the road. This provision shall not be construed to require the operator to purchase additional right-of-way.
- D. All operations shall be conducted in a safe manner, especially with respect to hazards to person, damage to adjacent lands or improvements and wells, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation.

- E. The following apply to mining conditions only - not to reclamation conditions:
1. Surface mining operations that remove and do not replace the lateral support shall not approach property lines or established right-of-way lines of any public roads, streets or highways closer than a distance of 30 feet unless a lesser distance is mutually agreed to by the operator and adjacent property owner and submitted in writing;
 2. The bottom of the slope of the mined face of the excavation shall not be closer to the point determined per "1" above, than a distance equal to 1 ½ times the depth of excavation;
 3. If consolidated materials occur in the mined face, the slope of the face may be steeper than 1 ½ to 1 slope per "2" above for the depth(s) of those materials, however all other mined slopes of unconsolidated materials shall be no steeper than those per "2" above;
 4. In the case that the right-of-way has not been recently surveyed by a registered land surveyor and clearly marked, the right-of-way line shall be assumed to be, for the purpose of this section, a minimum of 40 feet from the centerline of the road.
- F. All active operation shall be contained by an earthen berm of not less than 6 feet in height or a farm fence of not less than 54 inches in height, of such a design so as to allow the free flow of wild animals, but to discourage trespass by humans and farm animals. Berms that will remain in place for 1 year or longer shall be planted with grass, shrubs and trees and maintained as a visual and acoustical screen. They shall be designed so that they do not erode into the road or highway right-of-way or onto the adjoining property.
- G. The processing and stockpiling of sand and gravel shall not be conducted within 300 feet of any adjoining residential zoned property line.
- H. The hours of operation for all activities other than maintenance functions shall be from 5:00 a.m. to 9:00 p.m. from August 1st until October 31st. The rest of the year the hours of operation shall be restricted to 6:00 a.m. to 6:00 p.m.
- I. Operations shall be conducted so that noise levels and air and water standards comply with Federal, State and County standards.
- J. Access ways and on-site roads shall be maintained in a dust-free condition either by oiling or by spraying with calcium chloride or other products of like effect.
- K. The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Salvageable equipment stored in a non-operating condition shall be suitable screened or garaged.

- L. Enough topsoil must be stockpiled to meet the finished conditions in the reclamation regulations above.

Section 914 - Enforcement

The Zoning Enforcement Officer, in conjunction with other appropriate departments, shall annually review each surface mining Special Use. In addition to the reclamation plan/map; the owner/operator shall provide the Zoning Enforcement Officer with an annual air photo of his total operation, enlarged to a scale of 1 inch equals 100 feet or other scale that would adequately display the property affected on a 30 inch square format. All aerial photos shall meet the Zoning Enforcement Officers standards. The first photo shall be taken during the first year in operation and subsequent photos shall be taken in the same month of the following years. Each year's photo shall be presented at the same scale for the purpose of comparison. Photos shall be submitted prior to the issuance of annual operating permit.

The Zoning Enforcement Officer shall prepare a report and submit it to the Planning & Zoning Commission for their review. If it is determined that the operator is not in compliance with this Ordinance, the Bonding Requirements, the simultaneous operation and reclamation statement or the reclamation plan/map, the Zoning Enforcement Officer shall stop all operations other than reclamation work needed to bring the operation into compliance.

Every 3 years, at the time of annual review, bonding, release of bond and re-bonding shall be checked as specified in the section on Bonds. In addition, the operator shall provide the Zoning Enforcement Officer with topographic survey with 2 foot contours, at the same scale as the air photo, said topographic survey to show status of existing conditions on subject site.

Before release of a bond, an on-site inspection of the acreage reclaimed shall be made by the Zoning Enforcement Officer in conjunction with other appropriate departments to check for compliance with the Reclamation Plan and any conditions of the Special Use. A random count procedure shall be used to check seeding, plantings and depth of topsoil.

CHAPTER 9A – OVERLAY PLANNED

DEVELOPMENT DISTRICT

Section 9A901 – Intent and Purpose

The purpose of the Overlay Planned Development District (OPDD) is:

- A. To provide for the long range mixed use development of a parcel upon which earth extraction material or mineral processing has been approved.
- B. To identify and take advantage of the unique features of the site that provides superior development and infrastructure taking into consideration the parcel's condition as a result of earth extraction.
- C. To be granted relief from the fixed regulations of conventional zones and from the subdivision and other engineering and regulatory ordinances and Village plans. The OPDD regulations supersede and govern the development of properties and, in the instance of a conflict of regulations or in the instance when other Village regulations exceed the standards of the OPDD, the requirements of the OPDD Ordinance shall supersede all other requirements.
- D. To encourage an innovative site plan.
- E. To encourage the enhancement and development of the post extraction condition of the parcel.
- F. To obtain usable open space and recreational space.
- G. To increase the quality of the site design.
- H. To provide a compatible relationship between OPDD land uses and adjoining land uses.
- I. To provide sensitive handling of on-site traffic flow for efficiency of circulation and safety.

Section 9A902 - OPDD Eligibility Requirements

- A. The parcel must have a unified design. The tract of land submitted for OPDD development must be developed as a single design entity even though it may be developed in phases, or contain a wide variety of uses and activities otherwise not necessarily compatible with one another.

- B. All land in the parcel submitted as the OPDD application must be initially under the control of the applicant.
- C. The entire parcel shall be no less than 300 acres and the underlying zoning for said parcel must be I - Industrial under a Zoning Ordinance which allowed mining or earth or mineral extraction as a permitted or Special Use or the underlying zoning for said parcel must be A-1 Agricultural with a Special Use for mining or earth extraction and processing under the Zoning Ordinance approved August 2, 2005.

Section 9A903 - The Three Step OPDD Application Review Procedure

Section 9A903.1 Step One - The Pre-Application Conference (OPTIONAL)

- A. The pre-application conference is an optional informal discussion of the general concept of the proposed development. The applicant may present a Sketch Plan and confer with the Zoning Enforcement Officer, Planning and Zoning Commission, Appearance Review Commission, Village Board, and other staff members and consultants capable of appraising the various applicable physical and site development aspects of the plan. The sketch plan is not intended to be a site plan but rather a general indication of the manner in which the subject property may be used. Subsequent tentative and final plans will illustrate greater detail. The OPDD is a phased process allowing the applicant and the Village to develop plans on a unified basis and an incremental basis.
- B. The Sketch Plan should contain the following information:
 - 1. A Plat of Survey.
 - 2. A general expression of proposed land uses, indication of major vehicular access points, description of uses and, if available, land use densities.
 - 3. A brief narrative text describing the general design and planning concepts of the sketch plan, a time frame for a phased development, and any other information the developer believes may be useful to the Village.
 - 4. The Village shall meet with the applicant and discuss the nature of the planned development and, where practical, provide information pertaining to the Village's planning objectives for the subject property. The Village is not required to undertake any approvals at this stage of development.

5. The Village may request that the applicant provide additional material as it deems reasonably necessary.

Section 9A903.2 Step Two - OPDD Application and Tentative OPDD Plan (REQUIRED)

- A. Tentative OPDD information shall be submitted to and reviewed by the Zoning Enforcement Officer and Village staff and consultants before the required public hearing conducted by the Planning and Zoning Commission.
- B. The Planning and Zoning Commission shall conduct a public hearing on the Tentative Plan. Notice requirements shall comply with Section 1706 of this Ordinance. Following the public hearing, the Planning and Zoning Commission's recommendations shall be forwarded to the Village Board for action.

- C. The Tentative Plan

The Tentative Plan is a general indication of the proposed land uses and the general or schematic locations of roads, detention areas, open spaces, and parks. At this stage of planning, detailed data pertaining to precise building locations, roads, parks, and detention will not be available and will be further refined as the plans progress to the final plan stage. The more detailed data and site plans shall be submitted to the Village for review and approval at the Final Plan stage of development. It is understood that the engineering plans for the development of the property shall not be completed at this early stage of planning. The Tentative Plan will undergo further refinement and when the Final Plan is prepared it will be submitted for final site plan approval and engineering approval by the Village Engineer. The Final Plan may be submitted for approval either in phases or as a whole. Tentative and Final Plans shall permit a residential exchange of density where smaller lots may be exchanged for larger lots. For example, lots of 7,800 square feet as depicted on the Tentative Plan may be replaced by lots of 9,000 square feet, but lots of 9,000 square feet may not be replaced by smaller lots. The Planned Development may further consist of one or more zoning lots. Plats of subdivision, if any, may be filed as conventional plats or condominium plats and Country Cluster Residential areas, as defined herein, may include multiple dwelling units within each structure. Country Cluster developments may contain more than one building or structure within a zoning lot.

- D. The Tentative Plan submittals shall contain the following:
 1. Project title and a description of the nature of the Planned Development including the nature of the proposed land uses, open space concept and an indication of where internal roads will connect to the existing roads.

2. North point, date, scale of one inch equals 200 feet, size, total dwelling units, and gross density.
3. Legal description and plat of survey.
4. The types of land uses, approximate number of acres assigned to each land use, the total number of dwelling units defined by housing type, the size of lots assigned to each type of single family use.
5. A phased development schedule is considered desirable but is not required until the final plan submittal.
6. Land use and zoning of contiguous properties within 100 feet of the subject property.
7. General sketch or concept of proposed public and private streets.
8. General sketch of open space areas and parks.
9. General indication of flood plain and/or wetlands (if applicable).
10. Engineering plans and specifications shall not be required for the Tentative Plan. Engineering plans, including sanitary sewer system, potable water supply, grading and storm water management shall be submitted with the application for Final Plan approval.

Section 9A903.3 Step Three - OPDD Application, Final OPDD Plan (REQUIRED)

- A. The Owner shall have a mandatory informal pre-application conference with the Planning and Zoning Commission at a public meeting regarding Owner's preliminary sketch of a Final Plan so that the Planning and Zoning Commission can provide Owner with input at that meeting before Owner files an application for Final Plan approval.
- B. The Final Plan shall be reviewed by the Planning and Zoning Commission at a meeting of the Commission, which shall be a public meeting instead of a public hearing. The Planning and Zoning Commission's recommendation shall be forwarded to the Village Board within 60 days of the initial public meeting on the plan. Applications and a Final Plan for the total property or final plans of individual phases of the property shall be submitted to the Village Board for action. Such review and approval or disapproval shall not require a public hearing and shall be undertaken within a time frame not to exceed 60 days from receipt of the

recommendation of the Planning and Zoning Commission. The Final Plan may be accompanied by either tentative or final plats of subdivision. It is recognized that planned developments are of a different character and may require modifications and variations from the subdivision control and other ordinances of the Village. Such modifications shall be reasonably considered and approved as part of the Final Plan approval process as long as density has not changed from the Tentative Plan and provided that the Final Plan conforms to requirements of 9A903.3C below, it shall be approved. However, it is understood that the requirements of the Stormwater Detention Ordinance will be abided by unless the Village and McHenry County (if required) grant a waiver of same or portions of same in light of the lakes that may be created on a parcel.

C. The Final Plan request shall contain the following:

1. Background information listing owner's name, address and telephone numbers, developer's name, address and telephone number (if not same as owner), the names, addresses and telephone numbers of the developer's professional team.
2. A statistical tabulation of all uses, parking, total number of dwelling units by type, gross residential density, area devoted to open space, building separations, yard setbacks and size of commercial structures.
3. Project title and Final OPDD notations.
4. North point, date and scale of one inch equals 200 feet.
5. Legal description and current zoning.
6. Landscaping plan detailing types and sizes of plant material, proposed fencing and berming, if applicable.
7. Locations of proposed public and private streets with dimensions of the right of way and pavement.
8. Locations of parking areas, driveways and pedestrian walkways.
9. Location and acreage of property, if any, of land dedicated to the property owner's association or to a unit of local government.
10. Delineation of flood plain and/or wetlands, if applicable.

11. Topography.
 12. Traffic analysis upon the request of the Village Board.
 13. Final Engineering. The final engineering plans may be initially submitted in a tentative format for review and evaluation by the Village engineer. After the tentative engineering plans have been approved, the applicant may submit the Final Plans for review and evaluation by the Village engineer. This process is intended to provide a reasonable and cost effective method of engineering plan approval. The final engineering plans shall include drawings depicting sources of sanitary sewer and water supply, detention and surface water run-off facilities, all roads and pavements, sight distances, typical pavement sections, geometry (but cross sections of right of way will not be required) and a grading plan. The engineering documents may be submitted for the phase of the development for which a Final Plan approval is under consideration or for the total property if it is under consideration for Final Plan approval.
 14. The proposed use and maintenance responsibilities of common areas shall be defined and a draft of the declaration of covenants and restrictions governing the residential homeowners' association shall be provided to the Village for review and approval. The declaration of covenants and restrictions shall provide that it is intended that County Cluster Residential Homes shall be owner occupied. Therefore, an owner, including, but not limited to, a beneficiary of a land trust, a business entity which is related or affiliated with an owner or some other commonality of ownership, shall be prohibited from leasing more than one residential unit to a third party.
 15. A final plat(s) of subdivision of the property, if applicable, however, the Final Plan may act as a final plat.
- D. The required information for Final OPDD review shall be submitted to the Village Clerk a minimum of 30 days prior to the meeting with the Planning and Zoning Commission.

Section 9A904 - Modifications to the Tentative or Final Plans in the OPDD District

Minor changes are defined as changes that do not increase the overall residential density of the approved Final Plan. Minor changes shall be permitted and shall not require any approval by the Village Board. Major changes are those changes that increase the total gross residential density of the total development beyond that authorized in the approved Tentative Plan or Final Plan. Major changes shall require approval by the Village Board.

Section 9A905 - Expiration of OPDD Plan Approval

The Tentative OPDD Plan approval shall expire 15 years after the date of its approval unless an application for Final OPDD review has been submitted to the Village Clerk for all or a portion of the parcel within the 15 year time period. Three one year extensions may be granted by the Village Board in its discretion. The Final OPDD Plan shall expire two years after the date of its approval unless construction has begun on a portion of the property described in the Final OPDD Plan. The Village Board may grant three one year extensions in its discretion.

Section 9A906 - Permitted Uses

All uses listed in Table 1, Uses Permitted in Zoning Districts, are allowed in OPDD as provided in Section 9A912.

Section 9A907 - Density Standards for Residential Properties:

- A. Notwithstanding the provisions set elsewhere in the Village's Zoning and Subdivision Ordinances, the following standards shall govern and apply: The standards for residential structures are set forth below. The actual lot to be conveyed may be a pad under the individual dwelling unit and/or partially around the individual dwelling unit. In this instance, the remaining land would be owned and maintained by a common homeowners' association.

1. Site Standards for Executive Residential Single Family Residential

Lot size:	20,000 square feet minimum
Lot width:	80 feet minimum
Lot coverage:	50% maximum
Building setbacks:	
Front yard:	30 feet minimum
Side yard:	10 feet minimum
Yard abutting a street:	15 minimum
Rear yard:	25 feet
Building height:	2½ stories or a maximum of 35 feet
Parking requirements:	Minimum of 2 spaces per dwelling unit
Garage size:	2 car minimum
Minimum Home Size:	2,200 square feet Single Story Home 2,400 square feet Two Story Home

2. Site Standards for Premium Residential Single Family Lots

Lot area:	12,070 square feet minimum
Lot width:	70 feet
Lot coverage:	50% maximum
Building setbacks:	
Front yard:	25 feet
Side Yard:	7 feet
Yard abutting a street:	7 feet
Rear yard:	20 feet
Building height:	2½ stories or a maximum of 35 feet
Parking Requirements:	Minimum of 2 spaces per dwelling unit
Garage Size:	2 car minimum
Minimum Home Size:	2,200 square feet Single Story Home 2,400 square feet Two Story Home

3. Site Standards for Classic Single Family Residential (Conventional Single Family or Cluster)

Lot area:	7,800 square foot minimum
Lot width:	54 feet minimum lot width
Lot coverage:	60% maximum
Building setbacks:	
Front yard:	25 feet
Side yard:	7 feet
Yard abutting a street:	5 feet
Rear yard:	15 feet
Building height:	2½ stories or a maximum of 35 feet
Parking requirements:	Minimum of 2 spaces per dwelling unit
Garage size:	2 car minimum
Minimum Home Size:	1,800 square feet Single Story Home 2,000 square feet Two Story Home

4. Site Standards for Country Cluster Residential Areas (Single-Family)

Lot area:	There shall be no minimum lot size
Gross density:	The district permits 7 dwelling units per gross acre
Lot width:	There shall be no minimum lot width
Building separation:	All structures shall have a minimum distance of 20 feet between one another and shall be set back 20 feet from the curb of private street or 20 feet from the right of way line
Yard Requirements:	The total property or parcel devoted to Country Cluster Residential shall maintain a minimum yard (building setback) of 30 feet on all property boundaries. There shall be no individual yard requirements for individual structures other than the 20 foot spacing between buildings and the heretofore described 30 foot setback along the periphery of the total cluster development
Building height:	Not to exceed 35 feet
Parking requirement:	Not less than 1.5 spaces per unit
Garage size:	One car attached minimum

5. Site Standards for Non-Residential Areas

The following site standards shall apply for the construction of buildings for all non-residential uses in the OPDD District. Although all setbacks, parking, landscape and signage provisions of the municipal codes must be adhered to for the overall commercial development, individual parcels within the commercial development may use the site standards of this section of the ordinance.

Minimum Lot area:	1/2 Acre Lot
Minimum Lot width:	100 feet
Lot area:	No minimum as individual parcels may be building pads. However, any building pad must be a part of a commercial parcel of no less than 4.5 acres
Lot width:	No minimum
Lot coverage:	No maximum

Building setbacks:	
Front:	No minimum
Side:	No minimum
Rear:	No minimum
Abutting a street:	30 feet minimum
Yard abutting a golf course:	15 feet additional setback
Parking/drive setbacks:	
Front:	30 feet minimum
Side:	10 feet minimum
Rear:	10 feet minimum
Abutting a landscape zone:	
To buildings:	15 feet minimum
Maximum building height:	50 feet maximum

6. Miscellaneous Site Provisions

- i. In the OPDD District, building heights are measured from the top of the first floor and do not include easements, walkout basements, English basements or side loaded garages.
- ii. Notwithstanding the Building Code (Chapter 14 of the Village Code):
 - (a) Each unit may have a driveway.
 - (b) The minimum square footage requirements of Article 7 of the Building Code do not apply.
- iii. Lot coverage does not include swimming pools, patios and decks.

Section 9A908 - Off-Street Parking

Off-street parking, not otherwise modified by this Chapter 9A, shall be required to comply with the parking regulations in accordance with the Off Street Parking provision of the Village of Spring Grove Zoning Ordinance effective August 2, 2005, unless modified by this Ordinance.

Section 9A909 - Application of Other Ordinances

All streets and related street improvements and storm water control facilities shall be designed by a registered professional engineer. All public streets and storm water control facilities shall be constructed to the standards of the Subdivision Regulations of the Village of Spring Grove as defined in the Subdivision Control Ordinance unless amended by this Ordinance. It is recognized that planned developments may vary from the rigid guidelines of conventional zoning standards and from certain engineering and subdivision regulations. In this respect the Village will reasonably consider and approve in its discretion any modifications to the Subdivision Control Ordinance and other Ordinances in order to effectuate the implementation of the OPDD Tentative and Final Plans.

Section 9A910 - Open Space

Common open and recreational space shall be schematically depicted on the Tentative Plan and as specifically defined in the Final Plans. The areas depicted in the Tentative Plans may be altered in context with the progression of future Tentative and Final Plans. Common Open Space is defined as land used for detention, wetlands, floodplains and passive and active recreational areas. The total provision of open space may be divided and located within different phases of the entire Planned Development. The open space may be owned either by the homeowners association or in the alternative by a governmental unit.

All private improvements planned for the open space areas shall be installed and paid for by the developer. These improvements include, but are not limited to, planned landscaping, walkways, driveways, clubhouses, swimming pools, tennis courts, and golf courses. Open space dedicated to a governmental unit shall be maintained and improved by that unit of government.

Section 9A911 - Yard Requirement Exceptions in the OPDD District

The following architectural elements shall be allowed to project into or be constructed in any required yard or setback, but such exceptions to establish setbacks shall not be allowed to extend beyond the property line.

- A. Roof projections may extend into a side building setback zone a maximum of two feet and may extend into a front or rear building setback zone a maximum of four feet.
- B. Open terraces, non-enclosed porches and steps to a dwelling may extend into the front and side building setback zones to a maximum of four feet.
- C. Open terraces, swimming pools, tennis courts and non-screened porches may extend into the rear yard setback zone a maximum of 10 feet.

- D. Bay windows may extend into all building setback zones but may not extend more than two feet.
- E. Chimneys may extend into all building setback zones but may not extend more than 18 inches.

Section 9A912 - Overlay District

The Overlay Planned Development District (OPDD) is an "Overlay" District in addition to the underlying zoning classifications. Any OPDD Zoning and designation shall supplement other zoning districts ("Underlying Zoning District"). The uses allowed in the Underlying Zoning District as well as the uses allowed in the OPDD are permitted uses within these areas. Once building permits are issued for construction on property located in any Underlying Zoning District, only the uses permitted in said Underlying Zoning District as to the property for which the building permit was issued shall be allowed until a Final Plan has been approved at a property owner's request by the Board of Trustees of the Village of Spring Grove and thereafter recorded for the Overlay Planned Development District (OPDD) use. Upon Final Plan recording for OPDD uses, only the uses permitted in the OPDD shall be permitted as to the property described in said Final Plan and the uses allowed in any other Underlying Zoning District shall no longer be permitted as to the property described in said Final Plan.

Section 9A913 - Revisions to Subdivision Control Ordinance

In keeping with the intent of the purpose of the Overlay Planned Development District, the following revisions for purposes of the OPDD only are made to the Subdivision Control Ordinance:

Section 502.3 Driveway slopes may be 12%.

Section 503.4 Cul de sac lengths may be 800 feet.

Section 504.1 Right of way shall not be less than 50 feet.

Section 505.1 Utility easements shall be 12 feet and may be in the right-of-way of road.

- Gas, electric and telephone may be in right-of-way but not under pavement or curb and utilities may not be on top of each other except when they cross each other.

Section 604.6A Residential streets may be 24 feet pavement width edge to edge

Section 604.12C May use street light poles consistent with architectural and subdivision theme.

- Section 608.1.1 Cul de sacs may have a 120' diameter right-of-way and pavement diameter of 90 feet provided that an autoturn exhibit is provided which shows adequate cul de sac pavement to allow emergency vehicles and school buses to turn around.
- Earth slopes may have a maximum of 3:1 outside of the utility easement but slopes of 4:1 are preferred and road slopes may have a maximum of 6:1.
- Section 610.1 Occupancy Permits will be issued for buildings or structures located in portions of the subdivision provided that the required public improvements for roads and roadside drainage facilities for that portion is complete.
- Section 702.1A Delete "curb height by more than one inch". Add "ponding depths shall not exceed 8" in height".
- Section 702.1B Village will consider a height of more than 6 inches based on final engineering
- Section 9A914 – Bonds As long as an applicant has posted a bond as required for earth extraction and reclamation with the State of Illinois, Section 909 of the Zoning Ordinance relating to bonds shall not apply.

CHAPTER NINE B (9B) AGRITOURISM OVERLAY DISTRICT (AOD)

Section 9B901 - Intent and Purpose

The purpose of the Agritourism Overlay District (AOD) is:

- A. To provide of the long range expansion of agritourism opportunities and uses of a parcel which has historically been used as a traditional farm.
- B. To identify and take advantage of the unique features of the site.
- C. To be granted relief from the fixed regulations of conventional zones.
- D. To encourage an innovative site plan.
- E. To encourage the enhancement and development of tourism opportunities.
- F. To obtain usable open space and recreational space.
- G. To provide a compatible relationship between AOD land uses and adjoining land uses.
- H. To provide sensitive handling of on-site traffic flow for efficiency of circulation and safety.

Section 9B902 - AOD Eligibility Requirements

- A. The parcel should have a unified design. The tract of land submitted for AOD development must be developed as a single design entity even though it may be developed in phases, or contain a wide variety of uses and activities otherwise not necessarily compatible with one another.
- B. All land in the parcel submitted as the AOD application must be initially under the control of the applicants.
- C. The entire parcel shall be no less than 100 acres and the underlying zoning for said parcel must be A-1, R-1 or R-2. The parcel may be composed of multiple plots of land owned by different individuals or entities as long as they are joined in a single application.

- D. After a proposed development has received AOD approval, additional property of less than 100 acres may be added by an applicant who has received AOD approval as long as the additional property is subject to the process as contained within this AOD Ordinance and the criteria for AOD approval are met for the additional property. Such land need not be contiguous to the property, but must enhance and further the purposes of the approved AOD zoning as applied to the additional property.

Section 9B903 - The AOD Application Review Procedure

Section 9B903.1 Step One - The Pre-Application Conference (Village determines if this stage is required)

- A. The pre-application conference is an optional informal discussion of the general concept of the proposed development. The applicant may present a Sketch Plan and confer with the Zoning Enforcement Officer, Planning and Zoning Commission, Village Board, and other staff members and consultants capable of appraising the various applicable physical and site development aspects of the plan. The sketch plan is not intended to be a site plan but rather a general indication of the manner in which the subject property may be used. Subsequent final plans will illustrate greater detail. The AOD is a phased process allowing the applicant and the Village to develop plans on a unified basis and an incremental basis.
- B. The Sketch Plan should contain the following information:
1. A Plat of Survey.
 2. A general expression of proposed land uses, indication of major vehicular access points.
 3. A brief narrative text describing the general design and planning concepts of the sketch plan, a time frame for a phased development, and any other information the owner believes may be useful to the Village.
 4. The Village shall meet with the applicant and discuss the nature of the project and, where practical, provide information pertaining to the Village's planning objectives for the subject property.
 5. The Village may request that the applicant provide additional material as it deems reasonably necessary.

Section 9B903.2 Step Two - AOD Application and Final AOD Plan (REQUIRED)

- A. Final AOD information shall be submitted to and reviewed by the Zoning Enforcement Officer and Village staff and consultants before the required public hearing conducted by the Planning and Zoning Commission.
- B. The Planning and Zoning Commission shall conduct a public hearing on the Final Plan. Notice requirements shall comply with Section 1806 of this Ordinance. Following the public hearing, the Planning and Zoning Commission's recommendations shall be forwarded to the Village Board for action.
- C. **The Final Plan.** The Final Plan is an indication of the proposed land uses and the general or schematic locations of parking, picnic areas, mazes and other anticipated uses. The Final Plan may be submitted for approval either in phases or as a whole.
- D. The Final Plan submittals shall contain the following:
 - 1. Project title and a description of the nature of the development including the nature of the proposed land uses.
 - 2. Legal description and plat of survey.
 - 3. A phased development schedule is considered desirable but is not required.
 - 4. General sketch or concept of proposed uses and access points.
 - 5. Aerial photographs of existing improvements.
 - 6. Engineering plans and specifications shall not be required for the Plan.
 - 7. Background information listing owner's name, address and telephone numbers, and information as to the professional team, if any.
- E. The required information for Final AOD review shall be submitted to the Village Clerk a minimum of 30 days prior to the meeting with the Planning and Zoning Commission.

Section 9B904 - Modifications to the Final Plans in the AOD District

Once the AOD zoning is in place, changes to the Plan consistent with the AOD zoning shall be filed with the Village.

Section 9B905 - Permitted Uses

All uses listed in Table 1, Uses Permitted in Zoning Districts under the designation A-1 except for Earth minerals: earth extractions and processing as well as those uses set forth in Section 9B910 below. Earth minerals: earth extractions and processing is a special use in the AOD District.

Section 9B908 - Off-Street Parking

Off-street parking may be of pervious surface and designated on the Concept Plan. Parking shall not be as required by the Off-street parking provision of the Village of Spring Grove Zoning Ordinance as is amended from time to time.

Section 9B909 - Reserved

Section 9B910 - Overlay District

The Overlay Agritourism District (AOD) is an "Overlay" District:

- A. In addition to the underlying zoning classifications, any AOD zoning designation shall supplement other zoning districts ("Underlying Zoning District"). The uses allowed in the Underlying Zoning District as well as the uses allowed in the AOD District are permitted uses within these areas. Once a final plat of subdivision (final plat) has been approved and recorded relative to property located in any Underlying Zoning District, only the uses permitted in said Underling Zoning District as to the property for which the final plat was approved shall be allowed.

- B. In addition to the permitted uses set forth in Section 9B905 above, the following are permitted uses in the AOD District: corn maze, picnic areas, lookout towers, cabins, or similar small structures for rental by the public or for personal use, camping, campgrounds, campfires, airstrips with no more than four airplanes and storage space for no more than four airplanes, vineyards, winery, microbrewery, restaurants, concessions, butterfly house, hummingbird houses, house, storage in existing buildings, wedding chapel, gift shop, lakes and lake activities, indoor and outdoor sales of gift and farm items, pumpkin sales and festivals, hayrides, Christmas tree sales and festivals, sales of farm grown or produced products, farming or agricultural demonstration activities, sales of goods and merchandise which are not produced as a part of or incidental to the agritourism operation including but not limited to souvenirs, t-shirts, and items of clothing, food sales or products, and the like and any other accessory uses which would complement the uses described herein.

Chapter Ten - Planned Unit Development

Section 1001 - Intent and Purpose.

The purpose of the Planned Unit Development (P.U.D.) is:

- A. To provide development that is consistent with the Comprehensive Land Use Plan and promote the goals and objectives of the plan;
- B. To identify and obtain certain advantages over conventional development of the site that provides superior development and infrastructure;
- C. To be granted relief from the fixed regulations of conventional zones by general regulatory guidelines that obtain development premiums in return for development quality of significant community benefits not otherwise available from fixed regulations;
- D. To encourage innovative site plans that provide and enhance pleasing and desirable cultural and recreational amenities;
- E. To encourage the preservation and enhancement of the natural amenities of land and protect the natural features of the site such as existing trees, flood plains, wetlands, natural drainage ways and steep slopes;
- F. To obtain more usable open space and recreational space than that expected by the use of conventional regulations;
- G. To encourage infill development and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility or topography, by the use of stringent design and development controls available in the P.U.D. regulations;
- H. To increase the quality of the site design by including innovative clustering of units and orientation of units for energy conservation;
- I. To provide a compatible relationship between P.U.D. land uses and surrounding land uses of a P.U.D. development if it is more intense than the surrounding properties extensive buffering by physical separation, berming, landscaping, screening and/or other means should be provided;
- J. To provide sensitive handling of on-site traffic flow for efficiency of circulation, safety and privacy and off site traffic flow to minimize impact on surrounding community beyond normal requirements.

Section 1002 - P.U.D. Eligibility Requirements

- A. The entire tract must have a unified design. The tract of land submitted for P.U.D. development must be developed as a single design entity even though it may be developed in phases, or contain a wide variety of uses and activities otherwise not necessarily compatible with one another.
- B. The entire tract must be under control. All land in the tract submitted as the P.U.D. application must be under the control of the applicant. The narrative text that accompanies the preliminary plan must demonstrate that this control will be workable throughout the P.U.D. development period.
- C. Two or more principle structures on a single zoning lot must be developed as a P.U.D.

Section 1003 - The Three Step P.U.D. Application Review Procedure

1003.1 Step One - Pre-Application Conference and Sketch P.U.D. Plan (OPTIONAL)

- A. The pre-application conference is an informal discussion of the general concept of the proposed development. The applicant may present a Sketch Plan and confer with the Zoning Enforcement Officer, Planning & Zoning Commission, Appearance Review Commission, Village Board, and other staff members capable of appraising the various applicable physical and site development aspects of the plan. These Village representatives may express what is required of the developer and current Village policies.
- B. The Sketch Plan should contain the following information:
 - 1. Plat of Survey;
 - 2. Site Plan, approximately scaled illustrating the proposed uses, major buildings, development density, housing types, road layout, and any significant natural features;
 - 3. Brief narrative text describing the general design and architectural policies of the plan, a time frame for a phased development, and any other information the developer feels may be useful to staff.
- C. The required information for Sketch Plan review shall be filed with the Village Clerk a minimum of 2 weeks prior to the Planning & Zoning Commission meeting.

**1003.2 Step Two - P.U.D. Application and Preliminary P.U.D. Plan
(REQUIRED)**

- A. Preliminary P.U.D. information shall be reviewed by the Zoning Enforcement Officer and Village Staff, the Planning & Zoning Commission and the Village Board consecutively. Village Board approval of the preliminary P.U.D. shall be required prior to commencing to Step 3 as set forth in *Section 1003.3*.
- B. The Planning & Zoning Commission shall conduct a public hearing on the Preliminary P.U.D. Notice requirements shall comply with *Section 1706* of this Ordinance. Recommendations shall be forwarded to the Village Board.
- C. The Preliminary P.U.D. request shall contain the following information:
 - 1. Background information listing owner's name, phone and address, developer's name, address and phone (if not same as owner), other related professional staff's name, address and phone , project acreage (gross and net public R.O.W.), parking spaces, square footage per non-residential building, units per building and total number of units (if residential);
 - 2. Plat of Survey;
 - 3. Preliminary P.U.D. site plan consisting of at least the following information:
 - a. Project title and "Preliminary P.U.D." notation;
 - b. North point, date, scale;
 - c. Legal description and current and proposed zoning;
 - d. Acreage of lots (gross and net);
 - e. Number of units;
 - f. Phasing development schedule;
 - g. Floor area of buildings;
 - h. Building locations;
 - i. Schematic of existing landscaping and proposed landscaping;
 - j. Land use and zoning at contiguous property within 100 feet;
 - k. Locations of proposed public and private streets with dimensions of R.O.W. and pavement;
 - l. Locations of parking areas, driveways and pedestrian facilities;
 - m. Location and acreage of property dedicated to property owner association or other public body and intended use for these areas;
 - n. All improvements planned for the open space areas;
 - o. Delineation of flood plain and/or wetlands;
 - p. Topographic map at 1 foot contours.
 - 4. A written position of the school district regarding their position;
 - 5. Traffic analysis upon the request of the Zoning Enforcement Officer, Planning & Zoning Commission or Village Board;

6. Preliminary Engineering;
 7. Natural Resources Inventory from the United States Soil Conservation Service;
 8. Grading Plan;
 9. Appropriate fees;
 10. Other relevant information such as annexation agreements, soils suitability with respect to septics, etc.
- D. The required information such as annexation agreements, soils suitability with the Village Clerk a minimum of 3 weeks prior to the Planning & Zoning Commission public hearing.

1003.3 Step Three - P.U.D. Application, Final P.U.D. Plan (REQUIRED)

- A. Final P.U.D. information shall be reviewed by the Village Staff, Planning and Zoning Commission, the Appearance Review Commission, and the Village Board consecutively. The proposed P.U.D. Application and Final Plat must meet the approval of the Village Board.
- B. The Final P.U.D. request shall contain the following information:
 1. Background information listing owner's name, address and phone, developer's name, address and phone (if not same as owner), other related professional staff's name, address and phone, project acreage (gross and net public R.O.W.), parking spaces, square footage per non-residential buildings, units per building and total number of units (if residential);
 2. Plat of Survey;
 3. Final P.U.D. Site Plan consisting of at least the following information:
 - a. Project title and "Final P.U.D." notation;
 - b. North point, date and scale;
 - c. Legal description and current zoning;
 - d. Acreage of lots (gross and net public R.O.W.);
 - e. Number of units;
 - f. Phasing development schedule;
 - g. Total floor area of buildings, floor plans with elevations and bedroom mix;
 - h. Building locations;
 - i. Landscaping plan detailing types and sizes of plant material, existing trees and indication of extent to save or remove, proposed lighting, proposed fencing and berming , and signing detail;

- j. Land use and zoning at contiguous property within 100 feet;
 - k. Locations of proposed public and private streets with dimensions of R.O.W. and pavement;
 - l. Locations of parking areas, driveways and pedestrian facilities;
 - m. Location and acreage of property dedicated to property owner association or other public body and intended use for these areas;
 - n. Delineation of flood plain and/or wetlands;
 - o. Topographic map at 1 foot contours.
4. Written position of the school district regarding their position;
 5. Traffic analysis upon the request of the Zoning Enforcement Officer, Planning & Zoning Commission, or Village Board;
 6. Final Engineering;
 7. Natural Resources Inventory from the United States Soil Conservation Service;
 8. Grading Plan;
 9. Other relevant information such as annexation agreements, soils suitability with respect to septic covenants and restrictions, etc.;
 10. Use and maintenance responsibilities of common areas;
 11. The declaration of covenants and restrictions governing Homeowner's Associations;
 12. A bond or letter of credit to cover the cost of required public improvements in accordance with the Spring Grove Subdivision Ordinance.
 13. A final plat of subdivision of the property, if applicable.
- C. The required information for Final P.U.D. review shall be submitted to the Village Clerk a minimum of 3 weeks prior to the Planning & Zoning Commission public hearing.

Section 1004 - Minor Modifications of Final Plan

Minor changes of the approved Final P.U.D. may be permitted, but such changes shall not affect the character of the P.U.D. This approval is subject to the interpretation of the Zoning Enforcement Officer.

Section 1005 - Failure to Begin a Planned Unit Development

Unless construction of the public improvements or construction of the approved use of the P.U.D. have commenced, the Special Use permit shall automatically lapse in 2 years after the date of the approval of the P.U.D. Three one-year extensions may be granted by the Village Board.

Section 1006 - P.U.D. Site Design Standards

1006.1 Permitted Uses. All uses listed in *Table 1, Uses Permitted in Zoning Districts*, are allowed in a P.U.D.

1006.2 Density Standards for Residential Properties

- A. The density of a residential project shall be construed to mean the number of housing units divided by the net acreage. For the purposes of this Chapter, the net acreage is equivalent to the total P.U.D. acreage minus public right-of-ways and unbuildable acreage such as wetlands, flood plains or steep slopes.
- B. P.U.D. densities may exceed the densities allowed in the underlying zoning districts calculated from *Table 2, Lot Area - Yard and Bulk Regulations*. The project benefits shall merit this increase by complying with the intent and purpose of P.U.D. as listed in accordance with the *Intent and Purpose* provision of this Chapter.

1006.3 Off-Street Parking. Off-street parking shall be required to comply with the parking regulations in accordance with the *Off Street Parking provision of the Village of Spring Grove Zoning Ordinance*.

1006.4 Street and Storm Water Design. All streets and related street improvements and storm water control facilities shall be designed by a registered professional engineer. All public streets and storm water control facilities shall be constructed to the standards of the *Subdivision Regulations of the Village of Spring Grove*.

1006.5 Lot Area, Setbacks, Width and Height Requirements

- A. The Minimum Lot Area Standards listed in *Table 2 - Lot Area -Yard and Bulk Requirements* may vary in a P.U.D. if the requirements in *Section 1001* of this Ordinance are complied with. The maximum net density of the P.U.D. shall not exceed 20% increase of the density allowed by *Table 2*.
- B. The setbacks for structures on the perimeter of P.U.D. properties shall conform to the setbacks of the zoning district it lies in according to *Table 2, Lot Area - Yard and Bulk Regulations*. The setbacks for structures from each other in the interior of the P.U.D. shall conform with good site design practices and guided by the intent and purposes of a P.U.D. listed in *Section 1001* of this Ordinance.

- C. Minimum lot widths and building heights may vary from *Table 2 - Lot Area - Yard and Bulk* requirements in a P.U.D. of the requirements of *Section 1001* of this Ordinance are complied with.

1006.6 Open Space

- A. Common open space shall be made usable and available to the occupants of the P.U.D. To be considered usable, the minimum width of the open space should be 100 feet.
- B. The common open space must be owned, managed and maintained by some entity after the P.U.D. is developed. This is either the P.U.D. owner's association or a public agency approved by the Village Board.
- C. All improvements planned for the open space areas shall be installed and paid for by the developer. These improvements include, but are not limited to, planned landscaping, walkways, driveways, clubhouses, swimming pools, tennis courts, and golf courses.
- D. In residential P.U.D.'s, a minimum of 30% of the net area must be common open space.

Chapter Eleven - Temporary Uses

The following regulations govern the operation of certain transitory or seasonal uses:

Section 1101 – Application

The application for a temporary use permit shall be made to the Village Clerk. Approval of the temporary use permit shall be pursuant in accordance with the *Temporary Use Permit provision of the Village of Spring Grove Zoning Ordinance*. The permit shall contain the following information:

- A. A plat of survey and commonly known address of the property to be used, rented or leased for the temporary use;
- B. The zoning, structures and uses on the subject property and the adjacent properties;
- C. A description of the proposed use;
- D. The name and address of the applicant and the property owner (if different than the applicant);
- E. Sufficient information to determine the yard requirements, waste facilities, available parking and traffic circulation;
- F. Fees as required in accordance with the *Filing Fees provision of the Village of Spring Grove Zoning Ordinance*.

Section 1102 - Specific Temporary Uses And Regulations

The following temporary uses are subject to the following specific regulations, in addition to the regulations of any zone in which the uses are located:

1102.1 Christmas Tree Sales. A temporary use permit may be issued for the display and open-lot sales of Christmas trees for a period of no longer than 30 days.

1102.2 Circus, Carnival or Fairgrounds. A temporary use permit may be issued for a period not longer than 7 days.

1102.3 Contractor's Office and Equipment Shed. A temporary use permit may be issued or a contractor's temporary office and equipment shed incidental to construction project. The office or shed shall not contain sleeping or cooking accommodations. The permit shall be valid for not more than 1 year, but may be renewed. The office or shed shall be removed upon completion of construction project.

1102.4 Garbage Recycling Collection Point. A temporary use permit may be issued for the establishment of a garbage recycling collecting point for a period not to exceed one month, but may be renewed.

1102.5 Real Estate Sales Office. A temporary use permit may be issued for a temporary real estate sales office in any new subdivision or planned development which has been approved by the Village. The permit shall be valid for not more than 1 year, but is renewable. The office shall be removed upon completion of the development of the subdivision or planned development. A model home may be used as a temporary sales office, except that sleeping and cooking facilities shall not be used.

1102.6 Roadside Stands, Seasonal Sales. A temporary use permit may be issued for the sale of produce and garden plants. The permit shall be valid for 2 months, but may be renewable. No sales shall be made within 30 feet of any street or road right-of-way. Conditions of approval may be placed upon these requests regarding issues such as unobstructed pedestrian ways, driveways, parking adequacy, and other public health, safety and fire protection issues. Any such sale may not take place from a temporary structure or mobile unit other than an unenclosed sales counter.

1102.7 Special Promotions. A temporary use permit may be issued for the outside sales of merchandise by an established local retailer. The permit shall be valid for a period of not more than 72 consecutive hours (3 days) in any one calendar month.

1102.8 Tent Theaters; Religious Meeting, Festivals Sponsored by Local Civic, Religious, Governmental and Fraternal Organizations. A temporary use permit may be issued for a Tent Theater et. al. The permit shall be valid for not more than 3 months.

Chapter 12

Deleted December 21, 2004

Chapter Thirteen - Accessory Uses

The uses of land, buildings and other structures permitted in each Zoning District are established by listing the principle uses in *Table 1*. This Chapter shall regulate uses accessory to any principle use permitted in a Zoning District.

Section 1301 - Standards For Classifying An Accessory Use

A permitted accessory use shall meet the following standards:

- A. It shall be constructed after or at the same time as the principle structure.
- B. It shall be incidental to the principle uses established on the same lot, and shall serve no other principle use or purpose.
- C. In residential zoning districts, accessory buildings and structures shall be subordinate in volume, floor area, intensity, extent and purpose to the principle use.
- D. It shall contribute to the comfort, convenience or necessity of users of the principle use.

Section 1302 - Location of Accessory Uses

Accessory buildings and structures shall be subject to the following location requirements:

1302.1 Yard Abutting Street Setbacks. No accessory structure or building may be located in a required yard abutting a street.

1302.2 Side and Rear Yard Setbacks.

- A. Accessory structures and buildings are permitted to be located up to 10 feet of the side or rear yard property line. The minimum rear yard set back for any equestrian accessory building shall be 25 feet. The minimum side yard set back shall be 20 feet.
- B. Accessory structures or buildings may be located in a required side or rear yard setback if it is adjacent to a railroad right-of-way for the purpose of providing a rail loading dock.

1302.3 Location. No accessory structure or building shall be located within 10 feet of any other building.

1302.4 Number of Accessory Buildings. One and only 1 accessory building shall be permitted per lot.

Section 1303 - Examples of Accessory Uses

Below is a list of some accessory uses. Additional requirements for these uses are also referred to:

- A. Fences (refer to the regulations for *Screening and Landscaping in the Village of Spring Grove Zoning Ordinance*);
- B. Garages - detached;
- C. Garden house;
- D. Greenhouse;
- E. Guardhouse;
- F. Home occupation (refer to the regulations for *Home Occupation in the Village of Spring Grove Zoning Ordinance*);
- G. Landscaping (refer to the regulations for *Screening and Landscaping in the Village of Spring Grove Zoning Ordinance*);
- H. Maintenance facility;
- I. Parking and loading facility for businesses;
- J. Playhouse;
- K. Satellite dish antenna (refer to the regulations for *Satellite Dish Antennas in the Village of Spring Grove Zoning Ordinance*);
- L. Shed or building for domestic storage;
- M. Signs (refer to the *Village of Spring Grove Sign Ordinance*);
- N. Storage building or warehouse building accessory to the principle use;
- O. Swimming pool (refer to the regulations for *Swimming Pools in the Village of Spring Grove's Building Code*);
- P. Utility equipment and supporting structures.

Section 1304 - Standards for Specific Accessory Uses

The following accessory uses are subject to additional or separate requirements due to aesthetics and safety concerns.

1304.1 Home Occupations. Home Occupation is any occupation which is customarily permitted, in whole or part, conducted in a residence, provided all of the following criteria are met:

- A. The Home Occupation must be incidental to the use of the dwelling as a residence;
- B. No persons other than members of the immediate family residing in the dwelling unit and one additional employee, shall be employed in a Home Occupation;
- C. No stock-in-trade shall be displayed or sold upon the premises;

- D. No activity, structure or anything exterior to any structure shall indicate that it is being used for any non-residential purpose. A 1 ½ square foot sign shall be permitted. It shall only contain the name of the occupant and/or the Home Occupation, shall not be illuminated, shall be attached to the principle building, and shall comply with the *Village's Sign Ordinance* of the Municipal Code;
- E. No mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to a home;
- F. All receipt and delivery of merchandise, goods, or equipment shall be made by United States mail, similar parcel delivery service, or by private vehicle with a gross weight not to exceed 12,000 pounds.
- G. No Home Occupations shall involve the care or keeping of animals;
- H. If a non-family member is employed in the Home Occupation then 1 off-street parking space shall be provided;
- I. No offensive noise, smoke, dust, odors, glare, heat or electrical disturbance, excessive additional traffic or other nuisances shall be produced which is perceivable at or beyond the lot lines.

1304.2 Satellite Dish Antenna. Satellite dish antennas are subject to the following requirements:

- A. All ground-mounted earth station antennas shall be screened from the view of any adjacent right-of-way by natural plants or trees planted to provide at least 50% capacity;
- B. The antenna shall be permanently ground-mounted. No antenna shall be installed on a portable or movable structure, such as a trailer.

Chapter Fourteen - Screening and Landscaping

Section 1401 - Acceptable Screening and Landscaping Types

Screening and landscaping shall comply with the following standards:

1401.1 Screening. The intent of screening is to improve compatibility and provide transition between different uses and zones; to minimize the harmful effects of and to reduce dust and debris, automobile head light glare and other objectionable activities or views on adjoining or nearby uses; and to protect property values and preserve the character of an area. Acceptable screening materials are solid fences, walls or landscaping. Berms and graded slopes with plantings are preferred screening methods.

1401.2 Landscaping. When landscaping is used to comply with a screening requirement, it shall meet the following standards:

- A. The plant material shall reach the required ultimate height in 3 years;
- B. A dense compact screen of plantings shall provide year-round opacity. The use of non-deciduous species is encouraged.

Section 1402 - Screening and Landscaping Locations

1402.1 Parking Lot Screening and Landscaping. Screening and landscaping in parking lots shall minimize the adverse effects of wind, heat, noise, and glare; to assist in reducing the level of carbon monoxide in the atmosphere; to prevent soil erosion; to provide shade; and to lessen the visual impact of the parking lot on the environment.

- A. When a parking lot is adjacent to street right-of-way, a landscaped buffer yard shall be planted with grass, ground cover, or other landscaped materials on at least a 10 foot area between the right-of-way and the parking lot and shall provide a minimum 3 foot screen.
- B. The perimeter of all parking lots shall be planted with shade trees. A minimum of 1 shade tree per every 40 feet of lot perimeter shall be required. However, this does not mean that shade trees must be 40 feet on center.
- C. Perimeter parking lot screening and landscaping between vehicular use areas and the contiguous residential zoned or used property shall be at least 6 feet high and 10 feet wide.

- D. Ten percent of the interior of a lot with 25 or more parking spaces shall be landscaped. Five percent of the interior of a lot with less than 25 parking spaces shall be landscaped. For the purpose of calculating the interior of the parking lot, the front and side yard landscaping requirements in accordance with the *Parking Lot Screening and Landscaping provisions paragraphs A and C of the Village of Spring Grove Zoning Ordinance* shall not be included.
- E. In parking lots consisting of less than 25 spaces, tree canopies must provide 30% shading of the entire lot. In parking lots consisting of 25 or more spaces, tree canopies must provide 40% percent shading of the entire lot. The tree canopies shall be calculated when trees are at full foliage within 10 years of planting.
- F. Parking lot interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to every 10 to 15 spaces.
- G. The outside parking of semi-trailers shall be required to be screened from public streets and adjacent residential property.

1402.2 Screening Between Incompatible Zones. A minimum 6 foot screen shall be required of all uses in the Business, Office/Research and Industrial zoning districts when they are adjacent to Residential or Estate Districts. No screen is required if the existing residential property already has one. However, the commercial property owner must provide a new screen if the residential property owner removes his.

1402.3 Screening of Trash Containers. Screening shall be required to reduce litter and to completely hide the unsightliness of trash containers.

1402.4 Fences Used for Screening.

- A. No solid fence shall be erected unless a permit is obtained in advance from the Building and Zoning Department.
- B. A fences shall not exceed 6 feet in height when constructed on lot lines.
- C. A solid fence shall not exceed building setback lines for any lot lines abutting a street.
- D. A solid fence shall not be constructed on front lot lines or in front yard.
- E. A solid fence may exceed 6 feet in height if the fence is constructed within all building setback lines.

1402.5 Exceptions. No screening shall interfere with sight requirements for safe ingress and egress from public roads or private drives.

1402.6 Maintenance of Screens and Landscaping. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences and walls shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

1402.7 Berms Used for Screening.

- A. The use of natural vegetation and grassed berm shall be used whenever possible.
- B. Earthen berms shall have a side slope not less than 4 feet horizontal distance for each 1 foot of vertical distance.

Chapter Fifteen - Parking

The purpose of this Chapter is to promote the establishment of adequate off-street parking facilities in order to alleviate traffic problems and to engender public safety and convenience.

Section 1501 - General Requirements

- A. The duty to provide and maintain an off-street parking area shall be the responsibility of the owner or operator of the use which requires the off-street parking area.
- B. When any existing use requires parking spaces under this Ordinance is enlarged, expanded or changed, parking spaces shall be provided for the increment of expansion as if the increment were a separate use.
- C. For all uses established or placed into operation after the effective date of this Ordinance, the amount of off-street parking space set forth in this Chapter shall be provided.

Section 1502 - Location of Parking Spaces

- A. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principle use is served, they shall be in the same possession either by deed or long term lease, as the property occupied by such principle use, and shall be within the same zoning district as the principle use. If in another zoning district, a Special Use Permit shall be requested. Such off-street parking facilities must be within 600 feet of the main entrance of the principle use being served, and except for the "B-1" Central Business District must be in the same block so that no public street lies between the off-site parking spaces and the principle use.
- B. Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided; however, joint parking facilities for similar used may not be reduced below the number required for all uses. Joint parking facilities for dissimilar uses which require parking at different times during the day may be reduced by not more than 25% of the required number of spaces at the discretion of the Zoning Enforcement Officer.
- C. No off-street parking shall be permitted between the property line and the curb line or edge of the pavement.
- D. Parking spaces may be permitted in required front and side yards; however, no spaces will be permitted in the required 10 foot yard abutting a street and side yard landscaped setbacks in accordance with the *Parking Lot Screening and Landscaping provisions paragraphs A and C of the Village of Spring Grove Zoning Ordinance*.
- E. On residential zoned property, all vehicles must be parked on a paved or gravel surface commonly used for ingress and egress.

- F. In residential zones, overnight off-street parking of any vehicles other than those with "A" or "B" license plate and recreational vehicles is prohibited.

Section 1503 - Off-Street Parking Design and Development

1503.1 Grading. Off-street parking areas shall be graded for proper drainage and provided with an approved surface blacktop or concrete and maintained in such manner as to be free of dust, trash and debris.

1503.2 Screening. Screening of parking areas shall comply with *Section 1402.1*. Any lights used to illuminate such parking lots shall be so arranged and shaded as to reflect lighting away from adjoining residential properties.

1503.3 Drive-In Facilities. When drive-in facilities required that customers wait to be served, a minimum of 5 aisle spaces are required per service window.

1503.4 Vehicular Access. The parking area shall be designed with appropriate means of vehicular access to street in such manner as to minimize interference with traffic movement. It shall be provided with entrances and exits not less than 12 feet in width and not more than 25 feet in width. Divided entrances/exits with island dividers, and joint driveway/curb cuts serving more than 1 lot may be permitted to exceed this distance.

1503.5 Parking Stall Sizes. Parking stall sizes shall be 9 x 19. The minimum aisle width standards are listed below:

Parking Angle Degrees	Minimum Aisle Width
0 – 30	11 feet
31 - 45	13 feet
46 - 60	18 feet
61 - 90	25 feet

1503.6 Bicycle and Motorcycle. For any use which requires 20 or more parking spaces, bicycle and motorcycle parking spaces shall be required.

1503.7 Guards and Curbs. Parking areas shall be provided with wheel guards, bumper guards or curbs so as to prevent the parked vehicles from extending beyond the outside perimeter of the parking area.

1503.8 Handicapped. All off-street parking areas shall provide parking spaces designed and reserved for handicapped persons as follows:

- A. One space per each 25 spaces for the first 100 spaces (minimum of 1 space required);
- B. One space per 50 spaces for the next 100 spaces;
- C. One space for 100 spaces for all remaining spaces. These parking spaces must be of additional width to provide for wheelchair access.

Section 1504 - Required Number Of Parking Spaces

Table 3 lists the number of spaces required for various types of uses in the districts established by this Ordinance. When calculating the total number of spaces, the following rules shall apply:

1504.1 Number of Spaces. The number of spaces required for a particular use and its accessory uses as shown in *Table 3* is cumulative and the separate requirements shall be added together to determine the total number of spaces required.

1504.2 Residential Parking Requirements. Residential parking requirements are to provide sufficient parking in the various neighborhoods per provided at the rate of 1 visitor per space per dwelling unit.

1504.3 Per 1000 Square Feet. "Per 1000 square feet" shall mean each 1000 square feet of useable area exclusive of non-warehouse storage areas, mechanical equipment rooms, stairwells, restrooms, hallways, lobbies not used for reception and other areas not normally occupied by either employees or customers. When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of $\frac{1}{2}$ or less may be disregarded, while a fraction in excess of $\frac{1}{2}$ shall be counted as 1 parking space. Warehouse storage areas shall be required 1 parking space per 1,000 feet of usable areas.

1504.4 Overnight Accommodations. The design capacity of overnight accommodations shall be taken as the number of beds in a hospital, nursing home, or similar facility. Office areas will be calculated separately to provide for staff. Medical facilities shall be calculated separately and shall include nursing stations.

1504.5 Assembly Facilities. The design capacity of assembly facilities shall be taken as the total seating capacity in all auditoriums, theaters and similar places of assembly.

1504.6 Eating Facilities. The design capacity of eating facilities shall be taken as the total seating capacity in all dining rooms, taverns, cafeterias and similar rooms. In addition, carry-out eating establishments are required to provide 1 parking space for each 15 square feet of area provided for customer service. If a carry-out restaurant also has a seating area, then both requirements shall apply.

1504.7 Beauty/Barber Shop. Eight parking spaces per 1000 square feet of usable floor area of Beauty/Barber shop.

1504.8 Child Care Facilities. Child care facilities are required to have 1 space per staff person plus 1 space per 10 children.

Section 1505 - Off-Street Loading Spaces

All uses involving receipt of or distribution of goods by motor vehicle shall have space on the premises for the pick-up, service and delivery vehicles necessary for normal daily operation. These spaces shall be in addition to any required off-street parking space.

TABLE 3

REQUIRED NUMBER OF PARKING SPACES

Required Number of Spaces

Zoning District	Private Elementary and Junior High School per Teacher and Other Employee	Private High School, College, per Teacher and Employee, plus 1 space per 5 students	Per dwelling unit plus guest parking	Per 1,000 square feet	Medical/Professional per 1,000 square feet	Overnight accommodations per bed	Assembly facility per seating capacity	Recreational facility per person	Eating facility per seat per seating capacity	Carry out food per 15 square feet of customer service area	Per 1,000 square feet of beauty/barber shop	Child care facility per child plus 1 space per staff person
Residential	1	1	2.0	--	--	0.5	0.3	0.3	--	--	--	0.1
Business	1	1	--	4.0	1.0	1.0	0.3	0.3	0.3	1	8	0.1
Office	1	1	--	5.0	1.0	1.0	0.3	0.3	0.3	1	8	0.1
Industrial	1	1	--	4.0	1.0	1.0	0.3	0.3	0.3	1	8	0.1

Chapter Sixteen - Nonconforming Uses

Any lawful use of land or structures, existing at the date of the adoption of this Ordinance and located in a zone in which it would not be permitted as a new use or structure under the terms of this Ordinance, is declared to be a legal non-conformance. It is the intent of this Ordinance to permit these non-conformances to continue until terminated, as provided herein, and to encourage their conversion to conformance where possible.

Section 1601 - Nonconforming Lots

1601.1 Requirements. A nonconforming recorded residential zoned lot may be used for a single family dwelling provided it meets the following requirements:

- A. A legal nonconforming recorded lot or parcel may be used for a single family dwelling and accessory uses permitted in this Ordinance;
- B. On interior lots or parcels one side yard setbacks must be a minimum of 10 feet and the other must be 10% of the width of the lot, but need not exceed 10 feet;
- C. On yard abutting a street yard, the setback shall be 70% of the required yard listed in *Table 2* of this Ordinance.
- D. When a residential structure has been built over the common lot line between 2 or more nonconforming lots, demolition, destruction by catastrophic event, or moving of such structure may not be interpreted to create 2 or more buildable lots.

1601.2 Construction of New Building. In all other zoning districts construction of new building shall be permitted only to the extent permitted by this Ordinance. Repair of existing building that are being used for permitted uses, but are located on legal non-conforming lots shall be permitted to the extent permitted by this Ordinance. If any building is damaged or destroyed, it may be rebuilt to the extent that a new building would be allowed.

Section 1602 - Nonconforming Building Structures

A nonconforming building or structure shall be subject to the following regulations:

1602.1 Destroyed. If any nonconforming building or structure is destroyed by any means to an extent or more than 50% of the replacement cost of that portion of the principle and accessory buildings which are above the average ground elevation, such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the zoning district regulations of the zoning district in which it is located.

1602.2 Damaged. Damage to an extent less than that as set forth in accordance with the *Destroyed provision of the Village of Spring Grove Zoning Ordinance* shall be repaired in a manner as nearly conforming as possible.

1602.3 Maintenance and Repairs. Normal maintenance and repairs shall be permitted to the extent allowed by the Building Code and all other applicable Ordinances of the Village of Spring Grove.

1602.4 Additions. Nothing in this section shall prohibit an addition to a residential building, provided that it meets the codes and shall not encroach upon the side yard or front setback requirements as listed in *Table 2*.

Section 1603 - Nonconforming Uses

Any land, building or structure containing or being used for nonconforming use, shall be subject to the following regulations:

1603.1 Destroyed. If any building or structure being used for a nonconforming use is destroyed by any means to an extent of more than 50% of the replacement cost of that portion of the principal and accessory buildings which are above the average ground elevation, such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the zoning regulations of the zoning district in which it is located;

1603.2 Damaged. Damage to an extent of less than that set forth in accordance with the *Destroyed provision of the Village of Spring Grove Zoning Ordinance* shall be repaired in a manner as nearly conforming as possible;

1603.3 Additions. A nonconforming use shall not be enlarged; however, nothing herein shall be construed as prohibiting additions to any dwelling located in the Estate or Residential Districts nor shall anything herein be construed as prohibiting the construction of a garage or other accessory uses to any dwelling unit located in the Estate or Residential District. Nonconforming uses shall not be changed to another more intensive nonconforming type of use;

1603.4 Discontinuation. Discontinuation of a nonconforming use of land or of a structure for any reason for a period of more than 6 months shall be considered abandonment of that use. Such use shall not be re-established, and any subsequent use of the land or structure shall conform to the regulations of the zoning district in which it is located.

Chapter Seventeen - Additional Regulations

The purpose of this Chapter is to address various miscellaneous land uses. Regulations for uses specified in this Chapter shall be included.

Section 1701 - Zoning of Annexed Land

Except as may be provided for by Pre-Annexation, or Annexation Agreement or by subsequent amendment to this Ordinance, any lot or parcel of land hereafter annexed to the Village without provisions having been made for its zoning shall be classified as E-5, Estate Residential Zoning District.

Section 1702 - One Principle Building Per Lot

Except within planned unit developments, no more than one principle building or use shall be permitted on any lot in any zoning district.

Section 1703 - Operations within Enclosed Buildings

All business, service, storage (where permitted), preparation and processing shall be conducted wholly within enclosed buildings. Any outside storage of any type is strictly prohibited except when allowed as a Special Use pursuant to this Ordinance. This provision is not intended, however, to prohibit off street parking and off street loading when such activities take place as a result of some other principal use. Off street parking and off street loading are not permitted principal uses in any zoning district except when they take place as a result of any business, service, storage (where permitted), preparation or processing otherwise conducted wholly within enclosed buildings as stated above.

Section 1704 - Spacing of Automobile Service Stations

No automobile service station shall be located within 600 feet of any other automobile service station.

Section 1705 - Unlawful Existing Uses not Made Lawful

No building, structure or use not lawfully existing at the time of adoption of this Ordinance shall be made lawful solely by the adoption hereof. Such structure or use shall remain unlawful hereunder to the extent that it is in conflict with the requirements of this Ordinance.

Section 1706 - Prohibition of Landfills and Mobile Homes

Landfills and mobile homes are prohibited land uses in the Village of Spring Grove. These uses are not consistent with the intent and purpose of this Ordinance.

Section 1707 - R-1 and R-2 Zoning District Additional Requirements

The intent of the "R-1", Single Family Residential and "R-2", Single Family Residential Zoning District is to recognize existing areas consisting of lots which are a minimum of 40,000 square feet and 30,000 square feet respectfully. These two Zoning Districts shall not be permitted in new subdivisions proposed after the adoption of this Ordinance.

Chapter Eighteen - Administrative and Enforcement

Section 1801 - Zoning Enforcement Officer

The Zoning Ordinance shall be administered and enforced by the Zoning Enforcement Officer and who shall have the following powers and duties:

1801.1 Record Keeping. Make and maintain a record of all building permits, certificates of occupancy, certificate of zoning, Special Use permits, temporary use permits, sign permits and zoning variation.

1801.2 Update Zoning Map and Ordinance. Keep the zoning map and the zoning ordinance text accurate and up-to-date.

1801.3 Provide Information. Provide zoning information upon request.

1801.4 Interpretation. Interpret the provisions of this Ordinance for conformance; such interpretation to be appealable to the Planning & Zoning Commission.

Section 1802 - Planning & Zoning Commission

1802.1 Meetings. All meetings of the PZC shall be at the call of the Chairperson, or in the Chairperson's absence, the Acting Chairperson, and at such times as the Village Board may determine. All meetings of the PZC shall be in accordance with the Open Meeting Act and open to the public.

1802.2 Record Keeper. The Village Clerk shall act as a clerk for the Board and shall make and keep a record of all its meetings and official acts showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

1802.3 Filings with Village Clerk. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the PZC shall be filed with the Village Clerk and shall be a public record.

1802.4 Expenditures. In the performance of its duties, the PZC may incur such expenditures as shall be authorized by the Village Board.

1802.5 Rules of Procedure. The PZC shall adopt its own rules of procedure, not in conflict with the Statutes of the State of Illinois. Planning & Zoning Commission may adopt its own proposed forms for petitions filed with it or the Hearing Officer, and the Board may require general compliance with its forms.

1802.6 Appeals. The PZC shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Enforcement Officer. It shall also hear and decide all matters referred to it or upon which is required to pass under this Ordinance. The PZC shall have the power to hear and decide appeals where it is alleged there is error in any order requirement, decision or determination made by the Enforcing Officer.

1802.7 Voting. The concurring vote of at least 4 members of the PZC shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

1802.8 Review of Ordinance. To review from time to time this Ordinance, together with the Zoning Map, for the purposes of determining its effectiveness in accomplishing the goals of the Comprehensive Land Use Plan and shall recommend to the Village Board amendments to the Zoning Ordinance and Zoning Map.

Section 1803 - Variations

1803.1 Application. Where an application for a variation of any of the regulations of the Ordinance is made to the PZC in which it is alleged that particular difficulties or particular hardship, not intended, or not common to the owners of the property in the vicinity will be imposed in carrying out the strict letter of any such regulation, the PZC may recommend a variation of the application of such regulations in harmony with the general purposes and intent of this Ordinance.

1803.2 Written Findings of Fact. In recommending approval or conditional approval of a variance, the Planning & Zoning Commission shall transmit to the Village Board written findings of fact that all of the conditions below apply to the application. The Village Board shall not be bound by the recommendation of the Planning & Zoning Commission. However, in granting approval, the Village Board shall similarly find that all the following conditions apply:

- A. **Special Circumstances Not Found Elsewhere.** Special circumstances, fully described in the written findings, exist that are peculiar to the property for which the variance is sought and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it reasonably practical to provide a general regulation to cover them.
- B. **Circumstances Related to the Property Only.** Since a variance will affect the character of its surroundings long after a property changes hands, the special circumstances referenced herein relate only to the physical character of the land or building(s) for which a variance is sought, such as dimensions, topography, or soil conditions. They do not concern any business or activity the present or prospective owner or tenant carries on, or seeks to carry on, therein, nor to the personal, business,

or financial circumstances of such owner or tenant or any other party with interest in the property.

- C. **Not Resulting from Applicant Action.** The special circumstances that are the basis for a variance have not resulted from any act of the applicant or of any other party with interest in the property.
- D. **Unnecessary Hardship.** For reasons fully set forth in the written findings, the strict application of the provisions of this Ordinance would result in unnecessary and undue hardship upon the applicant, as distinguished from mere inconvenience.
- E. **Preserves Rights Conferred by District.** A variance is necessary for the applicant to preserve and enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to other properties in the district.
- F. **Necessary for Use of Property.** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of any reasonable use or enjoyment of the property.
- G. **Not Alter Local Character.** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.
- H. **Consistent with Ordinance and Plan.** The granting of a variance will be in harmony with the general purpose and intent of this Ordinance and of the Comprehensive Plan of the Village, as viewed in light of any changed conditions since their adoption.
- I. **Minimum Variance Recommended.** The variance recommended by the Planning & Zoning Commission and approved by the Village Board is the minimum required to provide the applicant with reasonable use and enjoyment of his property.

1803.3 Submittal of Accurate Description of Property and Circumstance. An application for a variation may be made by submitting an accurate description of the property and a description of the particular circumstance which necessitates a variation and the relief sought to the Village Clerk.

1803.4 Public Notice. Public notice shall be given as provided in accordance with the *Public Notice provision of the Village of Spring Grove Zoning Ordinance*.

1803.5 Schedule of Public Hearing. Upon receiving a request for a variation, the Village Clerk shall schedule a public hearing before the PZC, allowing adequate time for proper notice.

1803.6 Fees. Fees shall be submitted in accordance with the Filing Fees provision of the Village of Spring Grove Zoning Ordinance for zoning variation requests.

1803.7 Recommendations. Within 30 days following the public hearing, the PZC shall forward, in writing, its recommendations to the Village Board.

1803.8 Conditions or Restrictions. The Board may recommend and the Village Board in granting any variation, may impose such conditions or restrictions as appear necessary to minimize possible detrimental effects of such variation upon other properties in the neighborhood.

1803.9 Approval or Rejection. The Village Board, upon receipt thereof, may adopt, with or without modification, reject or deny the report and recommendation of the Board or agency and may refer any matter back to the Board for further consideration. Any proposed variation which fails to receive the approval of the PZC shall not be passed except by the favorable vote of at least 2/3 of the Trustees holding office.

1803.10 Altering of Building or Set-Back Line. No variation (or amendment) affecting or altering a building or set-back line on or along a street, traffic way, drive, or parkway or storm or floodwater runoff channel shall be granted by the Village Board except by a favorable vote of 2/3 of the members of the Board of Trustees then holding office.

Section 1804 - Amendments and Special Uses

1804.1 Granting an Amendment or Special Use. No Amendments of the regulations of this Ordinance, or maps, or Special Use Permits may be granted except after a hearing before the PZC (*Public Notice per the Village of Spring Grove Zoning Ordinance shall be required*).

1804.2 Application. An application to amend the Zoning Map or for a Special Use Permit shall consist of the name and address of the property owner, the statement of the proposed Amendment or Special Use Permit and a Plat of Survey. In the case of a Special Use Permit, site plans and other information required in *Chapter 7, Chapter 8, Chapter 9, Chapter 10* or requested by the PZC shall also be submitted to the Village Clerk.

1804.3 Text Amendment Application. A Text Amendment application shall require the name and address of the applicant, a statement requesting the amendment, and any other information requested by the PZC.

1804.4 Fees. Fees shall be submitted in accordance with the *Filing Fees provision of the Village of Spring Grove Zoning Ordinance* for zoning map and Text Amendment and Special Use Permit requests.

1804.5 Recommendations. Within 30 days after the hearing, the PZC shall make a report and recommendation concerning the request of the petition to the Village Board.

1804.6 Site Plans. Site Plans shall be reviewed and approved by the Appearance Review Commission in compliance with the Appearance Review Ordinance.

1804.7 Approval. Upon receipt of a requested Special Use Permit, and after a hearing before the PZC, and if required, the Appearance Review Commission, the Special Use Permit shall not be granted unless approved by the Village Board.

1804.8 Written Findings of Fact. In recommending approval or conditional approval of an amendment, the PZC shall transmit to the Village Board written findings of fact that all of the conditions below apply to the application. In granting approval or conditional approval, the Village Board shall similarly find that all of the following conditions apply:

- A. **Compatible with use of Zoning of Environs.** The proposed use(s) or the uses permitted under the proposed zoning classification as compatible with existing uses or existing zoning of property in the environs.
- B. **Supported by Trend of Development.** The trend of development in the general area since the original zoning of the affected property was established supports the proposed use or zoning classification.
- C. **The Hearing is Consistent with Comprehensive Plan Objectives.** The proposed use or zoning classification is harmony with the objectives of the Comprehensive Plan of the Village as viewed in light of any change conditions since the adoption of the plan.
- D. **Further Public Interest.** The proposed use or zoning classification promotes the public interest and not solely the interest of the applicant.

1804.9 Majority Vote. An amendment to the Zoning Ordinance shall not be passed except by a simple majority vote of the Village Board. However, in the case of written protest against any proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, such protest shall be filed with the Village Clerk and such amendment shall not be passed except by the favorable vote of 2/3 of the Trustees holding office.

Section 1805 - Temporary Use Permit

1805.1 Application. Application for a Temporary Use Permit shall be made to the Village Board and shall contain the information requested in accordance with the *Temporary Use Application provisions of the Village of Spring Grove Zoning Ordinance*.

1805.2 Approval. The Village Board shall review, approve with conditions, or deny the Temporary Use Permit.

1805.3 Fees. Fees shall be submitted in accordance with the *Filing Fees provision of the Village of Spring Grove Zoning Ordinance* for Temporary Use requests.

Section 1806 - Public Notice

Within a reasonable time following receipt of all requested submittal information relating to a variation, Special Use Permit, Planned Unit Development, or zoning map or text amendment, public notice shall be given in the following manner:

1806.1 Publication - Paper. Public notice shall require publication in an official paper of general circulation in the Village of Spring Grove. Such notice shall be published not less than 15 days nor more than 30 days before the hearing and shall contain the legal and common address of the property for which the request is being sought, and a brief description of the nature of the matter being sought. A zoning text amendment shall not require location information.

1806.2 Sign. In all cases, except a zoning Text Amendment, a sign shall be posted upon the property involved in the application. The sign shall be in public view on the nearest public way at least 15 consecutive days prior to the hearing. The sign shall specify the change in zoning, Special Use or Variance applied for and the date of the public hearing.

1806.3 Notification of Contiguous Property Owners. The petitioner, his attorney or his agent, shall also furnish the Village Clerk with the full names and addresses of the persons who have last paid taxes on all property contiguous to or abutting the parcel or parcels concerned in the petition, including such taxpayers of record as may own property across the road, street or alley, which may abut the premises concerned on one or more sides. It shall also be the duty of the petitioner, his attorney or his agent to send such persons a copy of the publication notice concerning the hearing, by certified mail with return receipt requested, mailed no more than 30 days, nor less than 15 days prior to said hearing. Petitioner shall also send to such persons a map showing the approximate location of the property and all surrounding property within at least ½ mile radius of the subject property. Prior to or at the hearing, petitioner shall file with the Village the following:

- A. Certified mailing receipts;
- B. An affidavit of compliance in accordance with the *Public Notice Sign provision of the Village of Spring Grove Zoning Ordinance*;
- C. Publisher's certificate showing proof of publication in accordance with the *Publication - Paper provision of the Village of Spring Grove Zoning Ordinance*.

Section 1807 - Hearing Officer

1807.1 Adoption of State Statute. *Chapter 24, Section 11-13-14.1 (Ill. Rev. Stats.)* is hereby adopted in its entirety thereby authorizing the corporate authorities of the Village to designate a Hearing Officer to conduct public hearings in connection with applications for any Special Use, variation or amendment, or other change or modification to the Village's Zoning Ordinance. Said individual shall serve as Hearing Officer at the pleasure of the President and Board of Trustees.

1807.2 Hearing Officer. For purposes of this Ordinance the individual designated by the President and approved by the Board of Trustees shall hold the public office of Hearing Officer.

1807.3 Authority of Hearing Officer

- A. All applications for any Special Use, Variation, Amendment or other change or modification to the Village's Zoning Ordinance shall be heard by the Planning & Zoning Commission unless the President and Board of Trustees directs that the application be heard by the Hearing Officer.
- B. The Hearing Officer, in acting upon and determining any matter otherwise within the jurisdiction of the Planning & Zoning Commission, shall be governed by all of the standards, regulations, and conditions imposed on the Planning & Zoning Commission by the Village's Zoning Ordinance.
- C. When the Hearing Officer acts upon an application for Variation or Special Use, the corporate authorities of the Village may, without further public hearing adopt any proposed Variation or Special Use or may refer it back to the Hearing Officer or to the Planning & Zoning Commission for further consideration, and any proposed variation or Special Use which fails to receive both the approval of the Hearing Officer and Planning & Zoning Commission shall not be passed except by the favorable vote of 2/3 of all Trustees of the Village.

Chapter Nineteen - Fees

All fees as may be established by resolution of the Village Board shall be collected by the Zoning Enforcement Officer.

Section 1901 - Filing Fees

- For application on hearings for owner occupied residential minor variance \$200.00
- For application on hearings for all other types of variances \$400.00
- For application on hearing for proposed Zoning amendments and Special Use Permits including P.U.D.'s
 - First 2 acres \$400.00
 - Each additional acre or part thereof \$ 20.00
- For application on reviews for Temporary Use Permits \$ 50.00
- Sign Deposit Fee \$100.00

Section 1902 - Retained Personnel Fees

Applicant shall be fully responsible for all retained personnel costs of the Village. A deposit toward the costs of any Retained Personnel necessary for the processing of the application, such a consulting engineering services, consulting planning services, legal services or court reporter services shall also be paid for except for:

1. Temporary Uses;
2. Appeals.

The deposit shall be credited against the expense to the Village of such personnel, which shall be fully charged to the applicant in the amount of \$300.00 for hearings on owner occupied residential minor variances and \$1,000 for all other zoning applications, said sum to be paid at the time of filing. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application.

Chapter Twenty - Miscellaneous Provisions

Section 2001 - Penalties

2001.1 Fines. Any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, shall be subject to a fine for each day the offense has occurred of not less than \$50.00 and not more than \$750.00 for each offense.

2001.2 Unlawful Erection of Building or Structure. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the proper authorities of the Village, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, land or to prevent any illegal act, conduct business or use in or about the premises.

2001.3 Power of Zoning Enforcement Officer. The Zoning Enforcement Officer of this Ordinance shall have power to make such orders, requirements, decisions and determinations as are necessary to enforce this Ordinance.

Section 2002 – Separability

Should any section, sub-section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 2003 - Relationship to Other Laws

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulations, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern.

Section 2004 - Effective Date

This Ordinance shall be in full force and effect after its enactment by the Village Board of Spring Grove in accordance with the provisions of law until repealed or amended by a subsequent Village Ordinance or resolution or by a federal or state statute, regulation or rule.